



PreK - 12 Education & Choice & Innovation Committees

Revised

Meeting

Tuesday, December 6, 2005

3:30 — 5:15 p.m.

Allan G. Bense
Speaker

Ralph Arza
Committee Chairman

John Stargel
Committee Chairman



Florida House of Representatives

Allan G. Bense

Speaker

PreK-12 Education Committee

Ralph Arza, Chair

Representative Lorraine Ausley

Representative Ellyn Bogdanoff

Representative Marti Coley

Representative Frank Farkas

Representative Kenneth Gottlieb

Joe Pickens, Vice Chair

Representative Stan Mayfield

Representative Dave Murzin

Representative Curtis Richardson

Representative Trey Traviesa

Choice & Innovation Committee

John Stargel, Chair

Representative Frank Attkisson

Representative Dan Gelber

Representative Susan Goldstein

Bill Galvano, Vice Chair

Representative John Legg

Representative Eleanor Sobel

AGENDA

December 6, 2005

- I. Opening Remarks by Chairman**
- II. Joint Workshop: Choice & Innovation and PreK-12 Education Committee on
PCB PKT 06-01**
- III. Closing Remarks by Chairman**
- IV. Adjournment**

Revised

SECTION BY SECTION SUMMARY
PCB PKT 06-01 – An act relating to education

Section	Line	Section of Law	Page	Issue
1	187	20.15	7	Establishes Division of Accountability, Research, and Measurement within DOE into law.
2	194	1000.041	7	Repeals guiding principles for BEST
3	195	1001.02	7	Requires NCLB state plan to be submitted to Legislature for review (State Board of Education)
4	203	1001.03	8	Requires SBE to review and evaluate SSS standards and to maintain the uniform classification system for district personnel that they developed.
5	227	1001.10	8	Requires NCLB state plan to be submitted to Legislature for review (Commissioner)
6	266	1001.12	10	Establishes Florida Center for Reading Research in law; provides duties
7	309	1001.215	11	Establishes Just Read! Office in law; provides duties
8	342	1001.33	12	Removes BEST guiding principles
9	363	1001.41	13	Authorizes districts to adopt policies for complete education program that emphasize integration and reinforcement of reading, writing and mathematics
10	378	1001.42	14	Establishes a uniform school start date; removes reference to BEST Program; provides school improvement plan requirements; conforms language to removal of rigorous reading requirement for certain middle schools; conforms school grade language.
11	533	1001.51	19	Removes BEST reference
12	565	1001.54	20	Removes BEST reference
13	578	1002.38	21	Includes feeder pattern schools in Opportunity Scholarship program; modifies Opportunity Scholarship deadline; requires parent notification to be understandable and use multiple media; conforms school grade language.
14	651	1003.01	23	Adds speech and language pathology to ESE services.
15	667	1003.05	24	Deletes requirement that active duty military dependents receive preference for admission to special academic programs even if maximum enrollment has been reached; deletes charter schools from definition of special academic program; adds Advanced International Certificate of Education to list of programs.
16	686	1003.413	24	High school reform; requires school districts to establish certain policies; creates the Challenge High School Award Program.
17	721	1003.415	25	Revises mission of middle grades; deletes rigorous reading requirement; deletes obsolete dates.
18	890	1003.4155	31	Establishes a standardized middle school grading scale.
19	911	1003.4156	32	Establishes middle school course and credit requirements for promotion; requires Level 1 and 2

SECTION BY SECTION SUMMARY
PCB PKT 06-01 – An act relating to education

Section	Line	Section of Law	Page	Issue
				readers to complete intensive reading courses; defines credit; authorizes districts to adopt policies allowing alternative methods to earn credits; requires SBE approval of policies; applies standards to students not enrolled in grade 6-8 configured middle school.
20	965	1003.62	34	Conforms school grade language; cross references new differentiated pay policy requirements.
21	1032	1006.09	36	Cross references new differentiated pay policy requirement.
22	1045	1006.40	37	Requires superintendent, in cooperation with DOE, to verify that purchased instructional materials not on the state adopted list identified as “aligned” with SSS or FCAT are in fact aligned
23	1074	1008.22	38	Revises FCAT grade level and subject area testing requirements; requires Commissioner to document that 10 th grade retakes are as difficult at original 10 th grade test; deletes obsolete language; requires use of SAT and ACT as alternative assessments for grade 10 FCAT for students meeting certain criteria; requires concordance study and annual report on student performance data.
24	1251	1008.25	44	Authorizes districts to require the attendance of low-performing students at extended day or summer remediation programs; deletes obsolete date; requires DOE to establish a uniform format for reporting student progression.
25	1309	1008.301	46	Repeals concordance study requirement.
26	1311	1008.31	46	Revises K-20 education performance accountability system; deletes performance-based funding provisions; revises the mission, goals, and system wide measures; requires data collection; requires SBE to adopt rules.
27	1402	1008.33	49	Conforms school grade language; authorizes principal to discipline low performing staff; corrects cross reference.
28	1479	1008.34	52	Revises school grade language; includes feeder pattern schools in school grading; allows alternative schools to choose to receive a grade; requires calculation of improvement of lowest 25 th percentile in reading; requires that performance of eligible students in alternative schools be included in the home school’s grade; revises school report card requirements.
29	1630	1008.341	57	Establishes school improvement rating for alternative schools based on FCAT scores and attendance; requires SBE to adopt rules.
30	1699	1008.345	59	Conforms school grade language.

SECTION BY SECTION SUMMARY
PCB PKT 06-01 – An act relating to education

Section	Line	Section of Law	Page	Issue
31	1749	1008.36	61	Schools meeting both school recognition and AYP requirements shall receive additional financial rewards as determined in GAA; adds alternative schools receiving an improvement rating and feeder pattern schools to School Recognition Program; requires school improvement plan to include uses for any school recognition funds that may be received; restricts faculty and staff bonuses to employees at the school during year of improvement; allows for student incentives.
32	1794	1011.62	63	Allows funding beyond 180 days for students in certain juvenile programs; provides parents of certain students the choice of supplemental services; conforms school grade language; corrects cross references; establishes the research-based reading instruction allocation; specifies allocation and use of funds; requires that teachers receive inservice credit for training and certification of competence in using materials purchased with the funds; requires districts to submit plans for use of funds; allows for an appeal; allows high-performing districts reasonable flexibility in plan development and encourages reading remediation through innovative methods including career academies; allows core, career and alternative programs to deliver intensive reading remediation; allows DOE to withhold funds if not being spent according to the district's plan.
33	2186	1011.64	76	Conforms school grade language.
34	2198	1011.685	77	Authorizes use of class size reduction operating funds to implement differentiated pay requirements when class size requirements are met; removes reference to BEST Program.
35	2211	1011.71	77	Corrects a cross-reference.
36	2233	1012.21	78	Requires DOE to post online collective bargaining contracts and salaries/benefits of association personnel paid by the school district
37	2243	1012.22	78	Deletes 5% performance pay policy; requires districts to provide to the DOE their collective bargaining contracts and salaries/benefits of association personnel paid by the school district
38	2297	1012.2312	80	Requires districts to adopt differentiated pay for instructional personnel; establishes criteria; authorizes SBE to withhold lottery funds if salary schedule is out of compliance.
39	2333	1012.2313	81	Requires districts to adopt differentiated pay for school administrators; establishes criteria; authorizes SBE to withhold lottery funds if salary schedule is not in compliance

SECTION BY SECTION SUMMARY
PCB PKT 06-01 – An act relating to education

Section	Line	Section of Law	Page	Issue
40	2362	1012.2315	82	Provides requirements for the assignment of teachers to certain schools; authorizes salary incentives notwithstanding chapter 447.
41	2399	1012.27	84	Requires that 2006-07 salary schedules be consistent with the district's differentiated pay policy; removes reference to BEST Program.
42	2419	1012.28	84	Corrects a cross reference.
43	2426	1012.34	85	Removes a reference to material being deleted (rigorous reading requirement)
44	2468	1012.986	86	Establishes the Jim Warford Professional Development Program for School Leaders; provides a definition; requires DOE to develop criteria for designation titles recommended by FASA; provides requirements; requires SBE to adopt rules.
45	2516	1012.987	88	Repeals SBE authority to adopt rules for school principal leadership designation.
46	2518	--	88	Provides for effective date upon becoming a law.

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1 A bill to be entitled
2 An act relating to education; amending s. 20.15, F.S.;
3 establishing the Division of Accountability, Research, and
4 Measurement in the Department of Education; repealing s.
5 1000.041, F.S., to conform provisions relating to the 2005
6 repeal of the BEST Florida Teaching salary career ladder
7 program; amending s. 1001.02, F.S.; requiring legislative
8 review of a state plan to implement certain federal
9 requirements; amending s. 1001.03, F.S.; requiring the
10 State Board of Education to periodically review the
11 Sunshine State Standards and provide a report evaluating
12 the extent to which the standards are being taught;
13 requiring the maintenance of a uniform school district
14 personnel classification system; amending s. 1001.10,
15 F.S.; requiring legislative review of a state plan to
16 implement certain federal requirements; creating s.
17 1001.12, F.S.; establishing the Florida Center for Reading
18 Research; providing duties of the center and the
19 Commissioner of Education; creating s. 1001.215, F.S.;
20 creating the Just Read, Florida! Office in the Department
21 of Education; providing duties; amending s. 1001.33, F.S.;
22 conforming provisions relating to the 2005 repeal of the
23 BEST Florida Teaching salary career ladder program;
24 amending s. 1001.41, F.S.; requiring district school
25 boards to adopt standards and policies to provide each
26 student a complete education program; amending s. 1001.42,
27 F.S.; providing a district school board requirement
28 relating to the opening date of the school year;
29 conforming provisions relating to the 2005 repeal of the

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30 BEST Florida Teaching salary career ladder program;
31 providing requirements for each school district's system
32 of school improvement and student progression; providing
33 components to increase student achievement; conforming
34 provisions relating to deletion of a rigorous reading
35 requirement and the designation of school grades; amending
36 ss. 1001.51 and 1001.54, F.S.; conforming provisions
37 relating to the 2005 repeal of the BEST Florida Teaching
38 salary career ladder program; amending s. 1002.38, F.S.;
39 providing eligibility for receipt of an Opportunity
40 Scholarship based on student attendance in certain feeder
41 pattern schools; conforming provisions relating to the
42 designation of school grades and revising the date for
43 request of an Opportunity Scholarship; specifying notice
44 requirements; amending s. 1003.01, F.S.; revising
45 definition of the term "special education services";
46 amending s. 1003.05, F.S.; deleting the requirement that
47 certain children receive preference for admission to
48 special academic programs even if maximum enrollment has
49 been reached; revising programs defined as "special
50 academic programs" for purposes of such preference;
51 creating s. 1003.413, F.S.; requiring each school district
52 to establish policies to assist high school students to
53 remain in school, graduate on time, and be prepared for
54 postsecondary education and the workplace; directing the
55 Commissioner of Education to create and implement the
56 Challenge High School Award Program; amending s. 1003.415,
57 F.S.; providing the mission of middle grades; deleting the
58 rigorous reading requirement for middle grade students;

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59 deleting obsolete language relating to a department study;
60 creating s. 1003.4155, F.S.; specifying the grading scale
61 for grades 6 through 8; creating s. 1003.4156, F.S.;
62 specifying general requirements for middle school
63 promotion; requiring an intensive reading course under
64 certain circumstances; defining an academic credit;
65 requiring school district policies for implementation and
66 authorizing alternative methods for progression; amending
67 s. 1003.62, F.S.; conforming provisions relating to the
68 designation of school grades and differentiated-pay
69 policies; amending s. 1006.09, F.S.; conforming a cross-
70 reference; amending s. 1006.40, F.S.; requiring
71 verification that certain instructional materials are
72 aligned with the Sunshine State Standards or the FCAT;
73 amending s. 1008.22, F.S.; specifying FCAT grade level and
74 subject area testing requirements; requiring documentation
75 of procedures that ensure test difficulty under certain
76 circumstances; requiring the State Board of Education to
77 conduct concordance studies to determine FCAT
78 equivalencies for high school graduation; deleting a
79 limitation on and specifying requirements for the use of
80 alternative assessments to the grade 10 FCAT; requiring an
81 annual report on student performance; amending s. 1008.25,
82 F.S.; authorizing district school boards to require low-
83 performing students to attend remediation programs outside
84 of regular school hours or during the summer; requiring
85 the department to establish a uniform format for reporting
86 information relating to student progression; requiring an
87 annual report; repealing s. 1008.301, F.S., relating to a

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88 | concordance study of FCAT equivalencies for high school
89 | graduation; amending s. 1008.31, F.S.; revising goals and
90 | measures of the K-20 performance accountability system and
91 | requiring data quality improvements; providing for
92 | development of reporting or data collection requirements;
93 | requiring adoption of rules; amending s. 1008.33, F.S.;
94 | conforming a cross-reference and provisions relating to
95 | the designation of school grades; authorizing principals
96 | to discipline low-performing faculty and staff at "F"
97 | graded schools as necessary; amending s. 1008.34, F.S.;
98 | revising terminology and provisions relating to
99 | designation and determination of school grades; providing
100 | for the designation of school grades for feeder pattern
101 | schools under certain circumstances; specifying use of
102 | assessment data with respect to alternative schools;
103 | defining the term "home school"; requiring an annual
104 | school report card to be published by the department and
105 | distributed by school districts; creating s. 1008.341,
106 | F.S.; requiring improvement ratings for certain
107 | alternative schools; providing the basis for such ratings
108 | and requiring annual performance reports; providing for
109 | determination of school improvement ratings,
110 | identification of learning gains, and eligibility for
111 | school recognition awards; requiring the development and
112 | distribution of an annual school report card; requiring
113 | adoption of rules; amending s. 1008.345, F.S.; conforming
114 | a cross-reference and provisions relating to the
115 | designation of school grades; amending s. 1008.36, F.S.;
116 | authorizing certain feeder pattern schools and alternative

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117 schools to participate in the Florida School Recognition
118 Program; modifying procedures for determination and use of
119 school recognition awards; providing for additional
120 financial awards under certain circumstances; amending s.
121 1011.62, F.S.; providing FTE funding for juveniles
122 enrolled in specified education programs; providing
123 funding for supplemental educational services for certain
124 students; conforming cross-references and provisions
125 relating to the designation of school grades; establishing
126 a research-based reading instruction allocation to provide
127 funds for a comprehensive reading instruction system;
128 requiring school district plans for use of the allocation
129 and approval thereof; including the allocation in the
130 total amount allocated to each school district for current
131 operation; amending s. 1011.64, F.S.; conforming
132 terminology and a cross-reference; amending s. 1011.685,
133 F.S.; conforming provisions relating to the 2005 repeal of
134 the BEST Florida Teaching salary career ladder program and
135 implementation of a differentiated-pay policy; amending s.
136 1011.71, F.S.; correcting a cross-reference; amending s.
137 1012.21, F.S.; requiring the department to annually post
138 online school district collective bargaining contracts and
139 the salary and benefits of certain personnel; amending s.
140 1012.22, F.S.; deleting a requirement that each district
141 school board adopt a performance-pay policy; requiring
142 each district school board to annually provide to the
143 department its negotiated collective bargaining contract
144 and the salary and benefits of certain personnel; creating
145 s. 1012.2312, F.S.; requiring each district school board

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146 to adopt a differentiated-pay policy for instructional
147 personnel; providing factors on which differentiated pay
148 shall be based; authorizing funds to be withheld from
149 school districts under certain circumstances; creating s.
150 1012.2313, F.S.; requiring each district school board to
151 have a differentiated-pay policy for school
152 administrators; providing factors on which differentiated
153 pay shall be based; authorizing funds to be withheld from
154 school districts under certain circumstances; creating s.
155 1012.2315, F.S.; providing school district requirements
156 for the assignment of teachers and authorizing incentives;
157 providing procedures for noncompliance; providing
158 requirements relating to collective bargaining; amending
159 s. 1012.27, F.S.; conforming provisions relating to the
160 2005 repeal of the BEST Florida Teaching salary career
161 ladder program and implementation of a differentiated-pay
162 policy; amending s. 1012.28, F.S.; conforming a cross-
163 reference; amending s. 1012.34, F.S.; conforming
164 provisions relating to deletion of a rigorous reading
165 requirement; creating s. 1012.986, F.S.; establishing the
166 Jim Warford Professional Development Program for School
167 Leaders; defining the term "school leader"; providing for
168 school leader designations; providing program requirements
169 and delivery systems; requiring adoption of rules;
170 repealing s. 1012.987, F.S., which requires the State
171 Board of Education to adopt rules through which school
172 principals may earn a leadership designation; providing an
173 effective date.

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175 WHEREAS, students will have the best opportunity to obtain a
176 high-quality education in the public education system of this
177 state, and that system can best be enhanced, when resources are
178 allocated efficiently and are concentrated in the classroom
179 learning environment, when teachers and principals are supported,
180 when high-quality education is reinforced through shared high
181 academic expectations, and when successes are rewarded, failures
182 are identified, and the public is apprised of both successes and
183 failures, NOW, THEREFORE,

184

185 Be It Enacted by the Legislature of the State of Florida:

186

187 Section 1. Paragraph (f) is added to subsection (3) of
188 section 20.15, Florida Statutes, to read:

189 20.15 Department of Education.--There is created a
190 Department of Education.

191 (3) DIVISIONS.--The following divisions of the Department
192 of Education are established:

193 (f) Division of Accountability, Research, and Measurement.

194 Section 2. Section 1000.041, Florida Statutes, is repealed.

195 Section 3. Paragraph (g) of subsection (2) of section
196 1001.02, Florida Statutes, is amended to read:

197 1001.02 General powers of State Board of Education.--

198 (2) The State Board of Education has the following duties:

199 (g) To approve plans for cooperating with the Federal
200 Government. The state plan to implement the requirements of the
201 federal No Child Left Behind Act of 2001 shall be submitted to
202 the Legislature for review.

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203 Section 4. Subsections (1) and (14) of section 1001.03,
204 Florida Statutes, are amended to read:

205 1001.03 Specific powers of State Board of Education.--

206 (1) PUBLIC K-12 STUDENT PERFORMANCE STANDARDS.--The State
207 Board of Education shall approve the student performance
208 standards known as the Sunshine State Standards in key academic
209 subject areas and grade levels. The state board shall
210 periodically review the standards to ensure adequate rigor,
211 logical student progression, integration and reinforcement of
212 reading, writing, and mathematics skills across all subjects, and
213 articulation from grade to grade and evaluate the extent to which
214 the standards are being taught at each grade level. The
215 evaluation shall be provided to the Governor, the Speaker of the
216 House of Representatives, and the President of the Senate and
217 shall include a determination of each district school board's
218 provision of a complete education program pursuant to s.
219 1001.41(3).

220 (14) UNIFORM CLASSIFICATION SYSTEM FOR SCHOOL DISTRICT
221 ADMINISTRATIVE AND MANAGEMENT PERSONNEL.--The State Board of
222 Education shall maintain ~~recommend to the Legislature by February~~
223 ~~1, 2003,~~ a uniform classification system for school district
224 administrative and management personnel that will facilitate the
225 uniform coding of administrative and management personnel to
226 total district employees.

227 Section 5. Subsection (8) of section 1001.10, Florida
228 Statutes, is amended to read:

229 1001.10 Commissioner of Education; general powers and
230 duties.--The Commissioner of Education is the chief educational
231 officer of the state, and is responsible for giving full

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232 assistance to the State Board of Education in enforcing
233 compliance with the mission and goals of the seamless K-20
234 education system. To facilitate innovative practices and to allow
235 local selection of educational methods, the State Board of
236 Education may authorize the commissioner to waive, upon the
237 request of a district school board, State Board of Education
238 rules that relate to district school instruction and school
239 operations, except those rules pertaining to civil rights, and
240 student health, safety, and welfare. The Commissioner of
241 Education is not authorized to grant waivers for any provisions
242 in rule pertaining to the allocation and appropriation of state
243 and local funds for public education; the election, compensation,
244 and organization of school board members and superintendents;
245 graduation and state accountability standards; financial
246 reporting requirements; reporting of out-of-field teaching
247 assignments under s. 1012.42; public meetings; public records; or
248 due process hearings governed by chapter 120. No later than
249 January 1 of each year, the commissioner shall report to the
250 Legislature and the State Board of Education all approved waiver
251 requests in the preceding year. Additionally, the commissioner
252 has the following general powers and duties:

253 (8) To develop and implement a plan for cooperating with
254 the Federal Government in carrying out any or all phases of the
255 educational program and to recommend policies for administering
256 funds that are appropriated by Congress and apportioned to the
257 state for any or all educational purposes. The state plan to
258 implement the requirements of the federal No Child Left Behind
259 Act of 2001 shall be submitted to the Legislature for review.
260

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The commissioner's office shall operate all statewide functions necessary to support the State Board of Education and the K-20 education system, including strategic planning and budget development, general administration, and assessment and accountability.

Section 6. Section 1001.12, Florida Statutes, is created to read:

1001.12 Florida Center for Reading Research.--

(1) There is created the Florida Center for Reading Research (FCRR) which shall be administratively assigned as determined by the Board of Governors of the State University System. In addition to its duties and functions as part of the State University System, the center shall:

(a) Provide technical assistance and support to school districts and schools in the state in the implementation of evidence-based literacy instruction, assessments, and programs, including fidelity of implementation of instructional materials.

(b) Conduct applied research on policy and practices related to literacy instruction and assessment in the state.

(c) Conduct basic research on reading, reading growth, reading assessment, and reading instruction that will contribute to scientific knowledge about reading.

(d) Develop comprehensive reading intervention course frameworks for middle and high schools.

(e) Disseminate information about research-based practices related to literacy instruction, assessment, and programs for students in preschool through grade 12.

(f) Collect, manage, and report on assessment information from screening, progress monitoring, and outcome assessment

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290 through Florida's Progress Monitoring and Reporting Network,
291 which is a statewide resource that is operated to provide valid
292 and timely reading assessment data for parents, teachers,
293 principals, district-level staff, and state-level staff in the
294 management of instruction at the individual, classroom, and
295 school levels.

296 (g) In order to fulfill the requirements of this section,
297 establish regional partnerships with state universities as
298 determined by the Board of Governors, with community colleges as
299 determined by the State Board of Education, and with independent
300 postsecondary institutions as determined by their individual
301 governing boards.

302 (2) The Commissioner of Education shall have the
303 responsibility to ascertain that all reading materials,
304 instructional methodologies, assessments, and courses recommended
305 by the Florida Center for Reading Research under the requirements
306 of this section are premised on objective, fair, and
307 scientifically research-based criteria and to prevent a conflict
308 of interest with respect to such recommendations.

309 Section 7. Section 1001.215, Florida Statutes, is created
310 to read:

311 1001.215 Just Read, Florida! Office.--There is created in
312 the Department of Education the Just Read, Florida! Office. The
313 office shall be fully accountable to the Commissioner of
314 Education and shall:

315 (1) Train professionally certified teachers to become
316 certified reading coaches.

317 (2) Create multiple designations of effective reading
318 instruction, with accompanying credentials, that encourage all

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319 teachers to integrate reading instruction into their content
320 areas.

321 (3) Train K-12 teachers, school principals, and parents on
322 research-based reading instructional strategies.

323 (4) Provide technical assistance to school districts in the
324 development and implementation of district plans for use of the
325 research-based reading instruction allocation provided in s.
326 1011.62(8) and annually review and approve such plans.

327 (5) Review and evaluate school districts' implementation of
328 the K-12 comprehensive reading plan required in s. 1011.62(8),
329 including fidelity of implementation of instructional materials.

330 (6) Work with the Florida Center for Reading Research to
331 provide information on research-based reading programs.

332 (7) Periodically review the Sunshine State Standards for
333 reading at all grade levels.

334 (8) Periodically review teacher certification examinations
335 to ascertain that the examinations measure the skills needed for
336 research-based reading instructional strategies.

337 (9) Work with teacher preparation programs approved
338 pursuant to s. 1004.04 to integrate research-based reading
339 instructional strategies into teacher preparation programs.

340 (10) Administer grants and perform other functions as
341 necessary to meet the goal that all students read at grade level.

342 Section 8. Section 1001.33, Florida Statutes, is amended to
343 read:

344 1001.33 Schools under control of district school board and
345 district school superintendent.--

346 ~~(1)~~ Except as otherwise provided by law, all public schools
347 conducted within the district shall be under the direction and

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control of the district school board with the district school superintendent as executive officer.

~~(2) Each district school board, each district school superintendent, and each district and school based administrator shall cooperate to apply the following guiding principles of Better Educated Students and Teachers (BEST) Florida Teaching:~~

~~(a) Teachers lead, students learn.~~

~~(b) Teachers maintain orderly, disciplined classrooms conducive to student learning.~~

~~(c) Teachers are trained, recruited, well compensated, and retained for quality.~~

~~(d) Teachers are well rewarded for their students' high performance.~~

~~(e) Teachers are most effective when served by exemplary school administrators.~~

Section 9. Subsection (3) of section 1001.41, Florida Statutes, is amended to read:

1001.41 General powers of district school board.--The district school board, after considering recommendations submitted by the district school superintendent, shall exercise the following general powers:

(3) Prescribe and adopt standards and policies to provide each student the opportunity to receive a complete education program, including language arts, mathematics, science, social studies, health, physical education, foreign languages, and the arts, as defined by the Sunshine State Standards. The standards and policies shall emphasize integration and reinforcement of reading, writing, and mathematics skills across all subjects as

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376 ~~are considered desirable by it for improving the district school~~
377 ~~system.~~

378 Section 10. Paragraph (f) of subsection (4), paragraph (c)
379 of subsection (5), subsection (16), paragraph (d) of subsection
380 (17), and subsection (18) of section 1001.42, Florida Statutes,
381 are amended to read:

382 1001.42 Powers and duties of district school board.--The
383 district school board, acting as a board, shall exercise all
384 powers and perform all duties listed below:

385 (4) ESTABLISHMENT, ORGANIZATION, AND OPERATION OF
386 SCHOOLS.--Adopt and provide for the execution of plans for the
387 establishment, organization, and operation of the schools of the
388 district, including, but not limited to, the following:

389 (f) Opening and closing of schools; fixing uniform
390 date.--Adopt policies for the opening and closing of schools and
391 fix uniform dates provided that the opening date of the school
392 year for schools in the district shall be no earlier than 7 days
393 before Labor Day each year.

394 (5) PERSONNEL.--

395 ~~(c) Fully support and cooperate in the application of the~~
396 ~~guiding principles of Better Educated Students and Teachers~~
397 ~~(BEST) Florida Teaching, pursuant to s. 1000.041.~~

398 (16) IMPLEMENT SCHOOL IMPROVEMENT AND
399 ACCOUNTABILITY.--Maintain a system of school improvement and
400 education accountability as provided by statute and State Board
401 of Education rule. This system of school improvement and
402 education accountability shall be consistent with, and
403 implemented through, the district's continuing system of planning
404 and budgeting required by this section and ss. 1008.385, 1010.01,

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405 and 1011.01. This system of school improvement and education
406 accountability shall include, but is not limited to, the
407 following:

408 (a) School improvement plans.--Annually approve and require
409 implementation of a new, amended, or continuation school
410 improvement plan for each school in the district, except that a
411 district school board may establish a district school improvement
412 plan that includes all schools in the district operating for the
413 purpose of providing educational services to youth in Department
414 of Juvenile Justice programs. The school improvement ~~Such~~ plan
415 shall be designed to achieve the state education priorities
416 pursuant to s. 1000.03(5) and student performance standards. ~~In~~
417 ~~addition, any school required to implement a rigorous reading~~
418 ~~requirement pursuant to s. 1003.415 must include such component~~
419 ~~in its school improvement plan.~~ Each plan shall also address
420 issues relative to budget, training, instructional materials,
421 technology, staffing, student support services, specific school
422 safety and discipline strategies, student health and fitness,
423 including physical fitness, parental information on student
424 health and fitness, and indoor environmental air quality, and
425 other matters of resource allocation, as determined by district
426 school board policy, and shall be based on an analysis of student
427 achievement and other school performance data.

428 (b) Alignment with Sunshine State Standards.--Design the
429 school district's system of school improvement and student
430 progression to provide frequent and accurate information to the
431 teacher and student regarding each student's progress toward
432 mastering the Sunshine State Standards. The system must
433 demonstrate the alignment of the Sunshine State Standards,

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434 instructional strategies, assessment, and professional
435 development. Each school improvement plan must identify the
436 strategies for monitoring the progress of each student. The
437 process used by each school to monitor student progression must,
438 at a minimum, contain the following components that are aimed at
439 increasing student achievement:

440 1. Disaggregated student achievement data related to
441 student performance which is used to identify each individual
442 student's strengths and weaknesses and to determine the
443 effectiveness of the teaching and learning strategies that are
444 being used in the classroom.

445 2. The Sunshine State Standards instructional calendar and
446 timeline, using disaggregated student performance data to focus
447 instruction on the Sunshine State Standards, manage instructional
448 time, and allocate resources.

449 3. Prioritized instructional focus to facilitate explicit
450 and systematic instruction using research-based effective
451 practices in the classroom.

452 4. Mini-assessments of targeted Sunshine State Standards
453 benchmarks to monitor student progress and generate data to
454 redesign instruction, if needed.

455 5. Alternative in-school, tutorial, remediation, or
456 enrichment strategies for students which are based on each
457 student's individual academic needs as defined by the mini-
458 assessments.

459 6. Systematic monitoring of each teacher's implementation
460 of the comprehensive program for student progression as described
461 in subparagraphs 1.-5.

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462 (c) ~~(b)~~ Approval process.--Develop a process for approval of
463 a school improvement plan presented by an individual school and
464 its advisory council. In the event a district school board does
465 not approve a school improvement plan after exhausting this
466 process, the Department of Education shall be notified of the
467 need for assistance.

468 (d) ~~(e)~~ Assistance and intervention.--

469 1. Develop a 2-year plan of increasing individualized
470 assistance and intervention for each school in danger of not
471 meeting state standards or making adequate progress, as defined
472 pursuant to statute and State Board of Education rule, toward
473 meeting the goals and standards of its approved school
474 improvement plan.

475 2. Provide assistance and intervention to a school that is
476 designated with a ~~identified as being in performance~~ grade of
477 ~~category~~ "D" pursuant to s. 1008.34 and is in danger of failing.

478 3. Develop a plan to encourage teachers with demonstrated
479 mastery in improving student performance to remain at or transfer
480 to a school designated with a ~~as performance~~ grade of category
481 "D" or "F" or to an alternative school that serves disruptive or
482 violent youths. If a classroom teacher, as defined by s.
483 1012.01(2)(a), who meets the definition of teaching mastery
484 developed according to the provisions of this paragraph, requests
485 assignment to a school designated with a ~~as performance~~ grade of
486 ~~category~~ "D" or "F" or to an alternative school that serves
487 disruptive or violent youths, the district school board shall
488 make every practical effort to grant the request.

489 4. Prioritize, to the extent possible, the expenditures of
490 funds received from the supplemental academic instruction

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491 categorical fund under s. 1011.62(1)(f) to improve student
492 performance in schools that receive a ~~performance~~ grade ~~category~~
493 ~~designation~~ of "D" or "F."

494 (e)~~(d)~~ After 2 years.--Notify the Commissioner of Education
495 and the State Board of Education in the event any school does not
496 make adequate progress toward meeting the goals and standards of
497 a school improvement plan by the end of 2 years of failing to
498 make adequate progress and proceed according to guidelines
499 developed pursuant to statute and State Board of Education rule.
500 School districts shall provide intervention and assistance to
501 schools in danger of being designated with a ~~as~~ ~~performance~~ grade
502 of category "F," failing to make adequate progress.

503 (f)~~(e)~~ Public disclosure.--Provide information regarding
504 performance of students and educational programs as required
505 pursuant to ss. 1008.22 and 1008.385 and implement a system of
506 school reports as required by statute and State Board of
507 Education rule that shall include schools operating for the
508 purpose of providing educational services to youth in Department
509 of Juvenile Justice programs, and for those schools, report on
510 the elements specified in s. 1003.52(19). Annual public
511 disclosure reports shall be in an easy-to-read report card format
512 and shall include the school's student and school ~~performance~~
513 ~~grade category designation~~ and performance data as specified in
514 state board rule.

515 (g)~~(f)~~ School improvement funds.--Provide funds to schools
516 for developing and implementing school improvement plans. Such
517 funds shall include those funds appropriated for the purpose of
518 school improvement pursuant to s. 24.121(5)(c).

519 (17) LOCAL-LEVEL DECISIONMAKING.--

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520 (d) Adopt policies that assist in giving greater autonomy,
521 including authority over the allocation of the school's budget,
522 to schools designated with a ~~as performance~~ grade of category
523 "A," making excellent progress, and schools rated as having
524 improved at least two grades ~~performance grade categories~~.

525 (18) OPPORTUNITY SCHOLARSHIPS.--Adopt policies allowing
526 students attending schools that have been designated with a ~~as~~
527 ~~performance~~ grade of category "F," failing to make adequate
528 progress, for 2 school years in a 4-year period to attend a
529 higher performing school in the district or an adjoining district
530 or be granted a state opportunity scholarship to a private
531 school, in conformance with s. 1002.38 and State Board of
532 Education rule.

533 Section 11. Subsections (24), (25), and (26) of section
534 1001.51, Florida Statutes, are amended to read:

535 1001.51 Duties and responsibilities of district school
536 superintendent.--The district school superintendent shall
537 exercise all powers and perform all duties listed below and
538 elsewhere in the law, provided that, in so doing, he or she shall
539 advise and counsel with the district school board. The district
540 school superintendent shall perform all tasks necessary to make
541 sound recommendations, nominations, proposals, and reports
542 required by law to be acted upon by the district school board.
543 All such recommendations, nominations, proposals, and reports by
544 the district school superintendent shall be either recorded in
545 the minutes or shall be made in writing, noted in the minutes,
546 and filed in the public records of the district school board. It
547 shall be presumed that, in the absence of the record required in
548 this section, the recommendations, nominations, and proposals

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required of the district school superintendent were not contrary to the action taken by the district school board in such matters.

~~(24) QUALITY TEACHERS. Fully support and cooperate in the application of the guiding principles of Better Educated Students and Teachers (BEST) Florida Teaching, pursuant to s. 1000.041.~~

(24)~~(25)~~ ORDERLY CLASSROOMS AND SCHOOL BUSES.--Fully support the authority of each teacher and school bus driver to remove disobedient, disrespectful, violent, abusive, uncontrollable, or disruptive students from the classroom and the school bus and the authority of the school principal to place such students in an alternative educational setting, when appropriate and available.

(25)~~(26)~~ OTHER DUTIES AND RESPONSIBILITIES.--Perform such other duties as are assigned to the district school superintendent by law or by rules of the State Board of Education.

Section 12. Paragraphs (c) and (d) of subsection (1) of section 1001.54, Florida Statutes, are amended to read:

1001.54 Duties of school principals.--

(1)

~~(c) The school principal shall encourage school personnel to implement the guiding principles for Better Educated Students and Teachers (BEST) Florida Teaching, pursuant to s. 1000.041.~~

(c)~~(d)~~ The school principal shall fully support the authority of each teacher and school bus driver to remove disobedient, disrespectful, violent, abusive, uncontrollable, or disruptive students from the classroom and the school bus and, when appropriate and available, place such students in an alternative educational setting.

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578 Section 13. Subsection (2) and paragraphs (a) and (b) of
579 subsection (3) of section 1002.38, Florida Statutes, are amended
580 to read:

581 1002.38 Opportunity Scholarship Program.--

582 (2) OPPORTUNITY SCHOLARSHIP ELIGIBILITY.--A public school
583 student's parent may request and receive from the state an
584 opportunity scholarship for the student to enroll in and attend a
585 private school in accordance with the provisions of this section
586 if:

587 (a)1. By assigned school attendance area or by special
588 assignment, the student has spent the prior school year in
589 attendance at a public school, including a feeder pattern school,
590 that has been designated pursuant to s. 1008.34 with a ~~as~~
591 ~~performance~~ grade of category "F," failing to make adequate
592 progress, and that has had 2 school years in a 4-year period of
593 such low performance, and the student's attendance occurred
594 during a school year in which such designation was in effect;

595 2. The student has been in attendance elsewhere in the
596 public school system and has been assigned to such school for the
597 next school year; or

598 3. The student is entering kindergarten or first grade and
599 has been notified that the student has been assigned to such
600 school for the next school year.

601 (b) The parent has obtained acceptance for admission of the
602 student to a private school eligible for the program pursuant to
603 subsection (4), and has notified the Department of Education and
604 the school district of the request for an opportunity scholarship
605 no later than August ~~July~~ 1 of the first year in which the
606 student intends to use the scholarship.

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607
608 The provisions of this section shall not apply to a student who
609 is enrolled in a school operating for the purpose of providing
610 educational services to youth in Department of Juvenile Justice
611 commitment programs. For purposes of continuity of educational
612 choice, the opportunity scholarship shall remain in force until
613 the student returns to a public school or, if the student chooses
614 to attend a private school the highest grade of which is grade 8,
615 until the student matriculates to high school and the public high
616 school to which the student is assigned is an accredited school
617 with a ~~performance grade category designation~~ of "C" or better.
618 However, at any time upon reasonable notice to the Department of
619 Education and the school district, the student's parent may
620 remove the student from the private school and place the student
621 in a public school, as provided in subparagraph (3)(a)2.

622 (3) SCHOOL DISTRICT OBLIGATIONS.--

623 (a) A school district shall, for each student enrolled in
624 or assigned to a school that has been designated with a as
625 ~~performance grade of category~~ "F" for 2 school years in a 4-year
626 period:

627 1. Timely notify the parent of the student as soon as such
628 designation is made of all options available pursuant to this
629 section. Notice must be understandable to parents and use
630 multiple media such as electronic mail, websites, public service
631 announcements, or print or electronic advertising.

632 2. Offer that student's parent an opportunity to enroll the
633 student in the public school within the district that has been
634 designated by the state pursuant to s. 1008.34 as a school
635 performing higher than that in which the student is currently

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636 enrolled or to which the student has been assigned, but not less
637 than ~~performance~~ grade ~~category~~ "C." The parent is not required
638 to accept this offer in lieu of requesting a state opportunity
639 scholarship to a private school. The opportunity to continue
640 attending the higher performing public school shall remain in
641 force until the student graduates from high school.

642 (b) The parent of a student enrolled in or assigned to a
643 school that has been designated with a ~~performance~~ grade of
644 ~~category~~ "F" for 2 school years in a 4-year period may choose as
645 an alternative to enroll the student in and transport the student
646 to a higher-performing public school that has available space in
647 an adjacent school district, and that school district shall
648 accept the student and report the student for purposes of the
649 district's funding pursuant to the Florida Education Finance
650 Program.

651 Section 14. Paragraph (b) of subsection (3) of section
652 1003.01, Florida Statutes, is amended to read:

653 1003.01 Definitions.--As used in this chapter, the term:

654 (3)

655 (b) "Special education services" means specially designed
656 instruction and such related services as are necessary for an
657 exceptional student to benefit from education. Such services may
658 include: transportation; diagnostic and evaluation services;
659 social services; physical and occupational therapy; speech and
660 language pathology services; job placement; orientation and
661 mobility training; braillists, typists, and readers for the
662 blind; interpreters and auditory amplification; rehabilitation
663 counseling; transition services; mental health services; guidance
664 and career counseling; specified materials, assistive technology

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665 devices, and other specialized equipment; and other such services
666 as approved by rules of the state board.

667 Section 15. Subsection (3) of section 1003.05, Florida
668 Statutes, is amended to read:

669 1003.05 Assistance to transitioning students from military
670 families.--

671 (3) Dependent children of active duty military personnel
672 who otherwise meet the eligibility criteria for special academic
673 programs offered through public schools shall be given first
674 preference for admission to such programs even if the program is
675 being offered through a public school other than the school to
676 which the student would generally be assigned ~~and the school at~~
677 ~~which the program is being offered has reached its maximum~~
678 ~~enrollment.~~ If such a program is offered through a public school
679 other than the school to which the student would generally be
680 assigned, the parent or guardian of the student must assume
681 responsibility for transporting the student to that school. For
682 purposes of this subsection, special academic programs include
683 ~~charter schools,~~ magnet schools, advanced studies programs,
684 advanced placement, dual enrollment, Advanced International
685 Certificate of Education, and International Baccalaureate.

686 Section 16. Section 1003.413, Florida Statutes, is created
687 to read:

688 1003.413 High school reform.--

689 (1) Beginning with the 2006-2007 school year, each school
690 district shall establish policies to assist high school students
691 to remain in school, graduate on time, and be prepared for
692 postsecondary education and the workforce. Such policies must
693 address:

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694 (a) Intensive reading remediation for students in grades 9
695 through 12 scoring below Level 3 on FCAT Reading, pursuant to the
696 reading instruction plan required by s. 1011.62(8).

697 (b) Credit recovery options and course scheduling designed
698 to allow high school students to earn credit for failed courses
699 so that they are able to graduate on time.

700 (c) Immediate and frequent notification to parents of
701 students who are in danger of not graduating from high school.

702 (d) Placement in alternative programs, such as programs
703 that emphasize applied integrated curricula, small learning
704 communities, career exploration, support services, increased
705 discipline, or other strategies documented to improve student
706 achievement.

707 (e) Summer reading institutes for rising ninth graders
708 scoring below Level 3 on FCAT Reading, pursuant to the reading
709 instruction plan required by s. 1011.62(8).

710
711 A student's participation in an instructional or remediation
712 program prior to or immediately following entering grade 9 for
713 the first time shall not affect that student's classification as
714 a first-time ninth grader for reporting purposes, including
715 calculation of graduation and dropout rates.

716 (2) The Commissioner of Education shall create and
717 implement the Challenge High School Award Program to reward
718 public high schools that demonstrate continuous academic
719 improvement and show the greatest gains in student academic
720 achievement in reading and mathematics.

721 Section 17. Section 1003.415, Florida Statutes, is amended
722 to read:

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723 1003.415 The Middle Grades Reform Act.--

724 (1) POPULAR NAME.--This section shall be known by the
725 popular name the "Middle Grades Reform Act."

726 (2) PURPOSE AND INTENT.--

727 (a) The purpose of this section is to provide added focus
728 and rigor to academics in the middle grades. Using reading as the
729 foundation, all middle grade students should receive rigorous
730 academic instruction through challenging curricula delivered by
731 highly qualified teachers in schools with outstanding leadership,
732 which schools are supported by engaged and informed parents.

733 (b) It is the intent of the Legislature that students
734 promoted from the eighth grade will have the necessary reading
735 and mathematics skills to be ready for success in high school.
736 The mission of middle grades is to prepare students to graduate
737 from high school.

738 (3) DEFINITION.--As used in this section, the term "middle
739 grades" means grades 6, 7, and 8.

740 (4) CURRICULA AND COURSES.--The Department of Education
741 shall review course offerings, teacher qualifications,
742 instructional materials, and teaching practices used in reading
743 and language arts programs in the middle grades. The department
744 must consult with the Florida Center for Reading Research at
745 Florida State University, the Just Read, Florida! Office, reading
746 researchers, reading specialists, and district supervisors of
747 curriculum in the development of findings and recommendations.
748 The Commissioner of Education shall make recommendations to the
749 State Board of Education regarding changes to reading and
750 language arts curricula in the middle grades based on research-
751 based proven effective programs. The State Board of Education

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752 shall adopt rules based upon the commissioner's recommendations
753 ~~no later than March 1, 2005.~~ Implementation of new or revised
754 reading and language arts courses in all middle grades shall be
755 phased in beginning no later than the 2005-2006 school year with
756 completion no later than the 2008-2009 school year.

757 ~~(5) RIGOROUS READING REQUIREMENT.~~

758 ~~(a) Beginning with the 2004 2005 school year, each public~~
759 ~~school serving middle grade students, including charter schools,~~
760 ~~with fewer than 75 percent of its students reading at or above~~
761 ~~grade level in grade 6, grade 7, or grade 8 as measured by a~~
762 ~~student scoring at Level 3 or above on the FCAT during the prior~~
763 ~~school year, must incorporate by October 1 a rigorous reading~~
764 ~~requirement for reading and language arts programs as the primary~~
765 ~~component of its school improvement plan. The department shall~~
766 ~~annually provide to each district school board by June 30 a list~~
767 ~~of its schools that are required to incorporate a rigorous~~
768 ~~reading requirement as the primary component of the school's~~
769 ~~improvement plan. The department shall provide technical~~
770 ~~assistance to school districts and school administrators required~~
771 ~~to implement the rigorous reading requirement.~~

772 ~~(b) The purpose of the rigorous reading requirement is to~~
773 ~~assist each student who is not reading at or above grade level to~~
774 ~~do so before entering high school. The rigorous reading~~
775 ~~requirement must include for a middle school's low performing~~
776 ~~student population specific areas that address phonemic~~
777 ~~awareness, phonics, fluency, comprehension, and vocabulary; the~~
778 ~~desired levels of performance in those areas; and the~~
779 ~~instructional and support services to be provided to meet the~~
780 ~~desired levels of performance. The school shall use research-~~

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781 ~~based reading activities that have been shown to be successful in~~
782 ~~teaching reading to low performing students.~~

783 ~~(c) Schools required to implement the rigorous reading~~
784 ~~requirement must provide quarterly reports to the district school~~
785 ~~superintendent on the progress of students toward increased~~
786 ~~reading achievement.~~

787 ~~(d) The results of implementation of a school's rigorous~~
788 ~~reading requirement shall be used as part of the annual~~
789 ~~evaluation of the school's instructional personnel and school~~
790 ~~administrators as required in s. 1012.34.~~

791 ~~(6) COMPREHENSIVE REFORM STUDY ON THE ACADEMIC PERFORMANCE~~
792 ~~OF STUDENTS AND SCHOOLS.—~~

793 ~~(a) The department shall conduct a study on how the overall~~
794 ~~academic performance of middle grade students and schools can be~~
795 ~~improved. The department must consult with the Florida Center for~~
796 ~~Reading Research at Florida State University, the Just Read,~~
797 ~~Florida! Office, and key education stakeholders, including~~
798 ~~district school board members, district school superintendents,~~
799 ~~principals, parents, teachers, district supervisors of~~
800 ~~curriculum, and students across the state, in the development of~~
801 ~~its findings and recommendations. The department shall review, at~~
802 ~~a minimum, each of the following elements:~~

803 ~~1. Academic expectations, which include, but are not~~
804 ~~limited to:~~

805 ~~a. Alignment of middle school expectations with elementary~~
806 ~~and high school graduation requirements.~~

807 ~~b. Best practices to improve reading and language arts~~
808 ~~courses based on research based programs for middle school~~
809 ~~students in alignment with the Sunshine State Standards.~~

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810 ~~c. Strategies that focus on improving academic success for~~
811 ~~low performing students.~~

812 ~~d. Rigor of curricula and courses.~~

813 ~~e. Instructional materials.~~

814 ~~f. Course enrollment by middle school students.~~

815 ~~g. Student support services.~~

816 ~~h. Measurement and reporting of student achievement.~~

817 ~~2. Attendance policies and student mobility issues.~~

818 ~~3. Teacher quality, which includes, but is not limited to:~~

819 ~~a. Preparedness of teachers to teach rigorous courses to~~
820 ~~middle school students.~~

821 ~~b. Teacher evaluations.~~

822 ~~c. Substitute teachers.~~

823 ~~d. Certification and recertification requirements.~~

824 ~~e. Staff development requirements.~~

825 ~~f. Availability of effective staff development training.~~

826 ~~g. Teacher recruitment and vacancy issues.~~

827 ~~h. Federal requirements for highly qualified teachers~~
828 ~~pursuant to the No Child Left Behind Act of 2001.~~

829 ~~4. Identification and availability of diagnostic testing.~~

830 ~~5. Availability of personnel and scheduling issues.~~

831 ~~6. Middle school leadership and performance.~~

832 ~~7. Parental and community involvement.~~

833 ~~(b) By December 1, 2004, the Commissioner of Education~~
834 ~~shall submit to the President of the Senate, the Speaker of the~~
835 ~~House of Representatives, the chairs of the education committees~~
836 ~~in the Senate and the House of Representatives, and the State~~
837 ~~Board of Education recommendations to increase the academic~~
838 ~~performance of middle grade students and schools.~~

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839 (5)~~(7)~~ PERSONALIZED MIDDLE SCHOOL SUCCESS PLAN.--

840 (a) ~~Beginning with the 2004-2005 school year,~~ Each
841 principal of a school with a middle grade shall designate
842 certified staff members at the school to develop and administer a
843 personalized middle school success plan for each entering sixth
844 grade student who scored below Level 3 in reading on the most
845 recently administered FCAT. The purpose of the success plan is to
846 assist the student in meeting state and school district
847 expectations in academic proficiency and to prepare the student
848 for a rigorous high school curriculum. The success plan shall be
849 developed in collaboration with the student and his or her parent
850 and must be implemented until the student completes the eighth
851 grade or achieves a score at Level 3 or above in reading on the
852 FCAT, whichever occurs first. The success plan must minimize
853 paperwork and may be incorporated into a parent/teacher
854 conference, included as part of a progress report or report card,
855 included as part of a general orientation at the beginning of the
856 school year, or provided by electronic mail or other written
857 correspondence.

858 (b) The personalized middle school success plan must:

859 1. Identify educational goals and intermediate benchmarks
860 for the student in the core curriculum areas which will prepare
861 the student for high school.

862 2. Be based upon academic performance data and an
863 identification of the student's strengths and weaknesses.

864 3. Include academic intervention strategies with frequent
865 progress monitoring.

866 4. Provide innovative methods to promote the student's
867 advancement which may include, but not be limited to, flexible

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868 scheduling, tutoring, focus on core curricula, online
869 instruction, an alternative learning environment, or other
870 interventions that have been shown to accelerate the learning
871 process.

872 (c) The personalized middle school success plan must be
873 incorporated into any individual student plan required by federal
874 or state law, including the academic improvement plan required in
875 s. 1008.25, an individual education plan (IEP) for a student with
876 disabilities, a federal 504 plan, or an ESOL plan.

877 (d) The Department of Education shall provide technical
878 assistance for districts, school administrators, and
879 instructional personnel regarding the development of personalized
880 middle school success plans. The assistance shall include
881 strategies and techniques designed to maximize interaction
882 between students, parents, teachers, and other instructional and
883 administrative staff while minimizing paperwork.

884 ~~(6)(8)~~ STATE BOARD OF EDUCATION AUTHORITY.--

885 (a) The State Board of Education shall have authority to
886 adopt rules pursuant to ss. 120.536(1) and 120.54 to implement
887 the provisions of this section.

888 (b) The State Board of Education shall have authority
889 pursuant to s. 1008.32 to enforce the provisions of this section.

890 Section 18. Section 1003.4155, Florida Statutes, is created
891 to read:

892 1003.4155 Middle school grading system.--The grading system
893 and interpretation of letter grades used in grades 6 through 8
894 shall be as follows:

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895 (1) Grade "A" equals 90 percent through 100 percent, has a
896 grade point average value of 4, and is defined as "outstanding
897 progress."

898 (2) Grade "B" equals 80 percent through 89 percent, has a
899 grade point average value of 3, and is defined as "above average
900 progress."

901 (3) Grade "C" equals 70 percent through 79 percent, has a
902 grade point average value of 2, and is defined as "average
903 progress."

904 (4) Grade "D" equals 60 percent through 69 percent, has a
905 grade point average value of 1, and is defined as "lowest
906 acceptable progress."

907 (5) Grade "F" equals zero percent through 59 percent, has a
908 grade point average value of zero, and is defined as "failure."

909 (6) Grade "I" equals zero percent, has a grade point
910 average value of zero, and is defined as "incomplete."

911 Section 19. Section 1003.4156, Florida Statutes, is created
912 to read:

913 1003.4156 General requirements for middle school
914 promotion.--

915 (1) Beginning with students entering grade 6 in the 2007-
916 2008 school year, promotion from a middle school with grades 6
917 through 8 requires that:

918 (a) A student must successfully complete 12 academic
919 credits as follows:

920 1. Three middle school or higher credits in
921 English/language arts.

922 2. Three middle school or higher credits in mathematics.

923 3. Two middle school or higher credits in social studies.

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924 4. Two middle school or higher credits in science.

925 5. One and one-half middle school or higher credits in

926 elective courses.

927 6. One-half credit in career exploration.

928 (b) For each year in which a student scores at Level 1 or

929 Level 2 on FCAT Reading, the student must the following year be

930 enrolled in and complete a full-year intensive reading course.

931 Students scoring at Level 3 or Level 4 on FCAT Reading may be

932 enrolled, with parental permission, in a full-year intensive

933 reading course. Reading courses shall be designed and offered

934 pursuant to the reading instruction plan required by s.

935 1011.62(8).

936 (2) One full credit means a minimum of 135 hours of

937 instruction in a designated course of study that contains student

938 performance standards. For schools authorized by the district

939 school board to implement block scheduling, one full credit means

940 a minimum of 120 hours of instruction in a designated course of

941 study that contains student performance standards.

942 (3) District school boards shall establish policies to

943 implement the requirements of this section. The policies may

944 allow alternative methods for students to earn the credits

945 required by this section. School districts shall emphasize

946 alternative programs for students scoring at Level 1 on FCAT

947 Reading who have been retained in elementary school. The

948 alternatives shall include, but are not limited to, opportunities

949 for students to:

950 (a) Recover credits.

951 (b) Be promoted on time to high school.

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952 (c) Be placed in programs that emphasize applied integrated
953 curricula, small learning communities, career exploration,
954 support services, increased discipline, or other strategies
955 documented to improve student achievement.

956
957 The school district's policy shall be submitted to the State
958 Board of Education for approval. The school district's policy
959 shall be automatically approved unless specifically rejected by
960 the State Board of Education within 60 days after receipt.

961 (4) Students in grade 6, grade 7, or grade 8 who are not
962 enrolled in schools with a grade 6 through 8 middle school
963 configuration are subject to the promotion requirements of this
964 section.

965 Section 20. Paragraph (a) of subsection (1) and paragraph
966 (a) of subsection (2) of section 1003.62, Florida Statutes, are
967 amended to read:

968 1003.62 Academic performance-based charter school
969 districts.--The State Board of Education may enter into a
970 performance contract with district school boards as authorized in
971 this section for the purpose of establishing them as academic
972 performance-based charter school districts. The purpose of this
973 section is to examine a new relationship between the State Board
974 of Education and district school boards that will produce
975 significant improvements in student achievement, while complying
976 with constitutional and statutory requirements assigned to each
977 entity.

978 (1) ACADEMIC PERFORMANCE-BASED CHARTER SCHOOL DISTRICT.--

979 (a) A school district shall be eligible for designation as
980 an academic performance-based charter school district if it is a

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high-performing school district in which a minimum of 50 percent of the schools earn a ~~performance~~ grade of category "A" or "B" and in which no school earns a ~~performance~~ grade of category "D" or "F" for 2 consecutive years pursuant to s. 1008.34. Schools that receive a ~~performance~~ grade of category "I" or "N" shall not be included in this calculation. The performance contract for a school district that earns a charter based on school ~~performance~~ grades shall be predicated on maintenance of at least 50 percent of the schools in the school district earning a ~~performance~~ grade of category "A" or "B" with no school in the school district earning a ~~performance~~ grade of category "D" or "F" for 2 consecutive years. A school district in which the number of schools that earn a ~~performance~~ grade of "A" or "B" is less than 50 percent may have its charter renewed for 1 year; however, if the percentage of "A" or "B" schools is less than 50 percent for 2 consecutive years, the charter shall not be renewed.

(2) EXEMPTION FROM STATUTES AND RULES.--

(a) An academic performance-based charter school district shall operate in accordance with its charter and shall be exempt from certain State Board of Education rules and statutes if the State Board of Education determines such an exemption will assist the district in maintaining or improving its high-performing status pursuant to paragraph (1)(a). However, the State Board of Education may not exempt an academic performance-based charter school district from any of the following statutes:

1. Those statutes pertaining to the provision of services to students with disabilities.

2. Those statutes pertaining to civil rights, including s. 1000.05, relating to discrimination.

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1010 3. Those statutes pertaining to student health, safety, and
1011 welfare.

1012 4. Those statutes governing the election or compensation of
1013 district school board members.

1014 5. Those statutes pertaining to the student assessment
1015 program and the school grading system, including chapter 1008.

1016 6. Those statutes pertaining to financial matters,
1017 including chapter 1010.

1018 7. Those statutes pertaining to planning and budgeting,
1019 including chapter 1011, except that ss. 1011.64 and 1011.69 shall
1020 be eligible for exemption.

1021 8. Sections 1012.22(1)(c), 1012.2312, 1012.2313, and
1022 1012.27(2), relating to performance-pay and differentiated-pay
1023 policies for school administrators and instructional personnel.
1024 Professional service contracts shall be subject to the provisions
1025 of ss. 1012.33 and 1012.34.

1026 9. Those statutes pertaining to educational facilities,
1027 including chapter 1013, except as specified under contract with
1028 the State Board of Education. However, no contractual provision
1029 that could have the effect of requiring the appropriation of
1030 additional capital outlay funds to the academic performance-based
1031 charter school district shall be valid.

1032 Section 21. Subsection (4) of section 1006.09, Florida
1033 Statutes, is amended to read:

1034 1006.09 Duties of school principal relating to student
1035 discipline and school safety.--

1036 (4) When a student has been the victim of a violent crime
1037 perpetrated by another student who attends the same school, the
1038 school principal shall make full and effective use of the

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1039 provisions of subsection (2) and s. 1006.13(5). A school
1040 principal who fails to comply with this subsection shall be
1041 ineligible for any portion of the performance pay policy
1042 incentive under s. 1012.2313(2)(b) ~~1012.22(1)(e)~~. However, if any
1043 party responsible for notification fails to properly notify the
1044 school, the school principal shall be eligible for the incentive.

1045 Section 22. Subsection (3) of section 1006.40, Florida
1046 Statutes, is amended to read:

1047 1006.40 Use of instructional materials allocation;
1048 instructional materials, library books, and reference books;
1049 repair of books.--

1050 (3)(a) Each district school board shall use the annual
1051 allocation for the purchase of instructional materials included
1052 on the state-adopted list, except as otherwise authorized in
1053 paragraphs (b) and (c). No less than 50 percent of the annual
1054 allocation shall be used to purchase items which will be used to
1055 provide instruction to students at the level or levels for which
1056 the materials are designed.

1057 (b) Up to 50 percent of the annual allocation may be used
1058 for the purchase of instructional materials, including library
1059 and reference books and nonprint materials, not included on the
1060 state-adopted list and for the repair and renovation of textbooks
1061 and library books. In cooperation with the department, the
1062 district school superintendent shall verify that materials
1063 identified by the publisher as aligned with the Sunshine State
1064 Standards or the FCAT are in fact aligned.

1065 (c) District school boards may use 100 percent of that
1066 portion of the annual allocation designated for the purchase of
1067 instructional materials for kindergarten, and 75 percent of that

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1068 portion of the annual allocation designated for the purchase of
1069 instructional materials for first grade, to purchase materials
1070 not on the state-adopted list. In cooperation with the
1071 department, the district school superintendent shall verify that
1072 materials identified by the publisher as aligned with the
1073 Sunshine State Standards or the FCAT are in fact aligned.

1074 Section 23. Paragraph (f) of subsection (1), paragraphs (c)
1075 and (e) of subsection (3), and subsection (9) of section 1008.22,
1076 Florida Statutes, are amended, subsection (10) is renumbered as
1077 subsection (11), and a new subsection (10) is added to that
1078 section, to read:

1079 1008.22 Student assessment program for public schools.--

1080 (1) PURPOSE.--The primary purposes of the student
1081 assessment program are to provide information needed to improve
1082 the public schools by enhancing the learning gains of all
1083 students and to inform parents of the educational progress of
1084 their public school children. The program must be designed to:

1085 (f) Provide information on the performance of Florida
1086 students compared with other students ~~others~~ across the United
1087 States.

1088 (3) STATEWIDE ASSESSMENT PROGRAM.--The commissioner shall
1089 design and implement a statewide program of educational
1090 assessment that provides information for the improvement of the
1091 operation and management of the public schools, including schools
1092 operating for the purpose of providing educational services to
1093 youth in Department of Juvenile Justice programs. The
1094 commissioner may enter into contracts for the continued
1095 administration of the assessment, testing, and evaluation
1096 programs authorized and funded by the Legislature. Contracts may

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1097 be initiated in 1 fiscal year and continue into the next and may
1098 be paid from the appropriations of either or both fiscal years.
1099 The commissioner is authorized to negotiate for the sale or lease
1100 of tests, scoring protocols, test scoring services, and related
1101 materials developed pursuant to law. Pursuant to the statewide
1102 assessment program, the commissioner shall:

1103 (c) Develop and implement a student achievement testing
1104 program known as the Florida Comprehensive Assessment Test (FCAT)
1105 as part of the statewide assessment program, ~~to be administered~~
1106 ~~annually in grades 3 through 10~~ to measure reading, writing,
1107 science, and mathematics. Other content areas may be included as
1108 directed by the commissioner. The assessment of reading and
1109 mathematics shall be administered annually in grades 3 through
1110 10. The assessment of writing and science shall be administered
1111 at least once at the elementary, middle, and high school levels.
1112 The commissioner must document the procedures that ensure that
1113 the versions of the FCAT taken by students retaking the grade 10
1114 FCAT are as equally challenging and difficult as the tests taken
1115 by students in grade 10 that contain performance tasks. The
1116 testing program must be designed so that:

1117 1. The tests measure student skills and competencies
1118 adopted by the State Board of Education as specified in paragraph
1119 (a). The tests must measure and report student proficiency levels
1120 in reading, writing, mathematics, and science. The commissioner
1121 shall provide for the tests to be developed or obtained, as
1122 appropriate, through contracts and project agreements with
1123 private vendors, public vendors, public agencies, postsecondary
1124 educational institutions, or school districts. The commissioner

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1125 shall obtain input with respect to the design and implementation
1126 of the testing program from state educators and the public.

1127 2. The testing program will include a combination of norm-
1128 referenced and criterion-referenced tests and include, to the
1129 extent determined by the commissioner, questions that require the
1130 student to produce information or perform tasks in such a way
1131 that the skills and competencies he or she uses can be measured.

1132 3. Each testing program, whether at the elementary, middle,
1133 or high school level, includes a test of writing in which
1134 students are required to produce writings that are then scored by
1135 appropriate methods.

1136 4. A score is designated for each subject area tested,
1137 below which score a student's performance is deemed inadequate.
1138 The school districts shall provide appropriate remedial
1139 instruction to students who score below these levels.

1140 5. Except as provided in s. 1003.43(11)(b), students must
1141 earn a passing score on the grade 10 assessment test described in
1142 this paragraph or on an alternate assessment as described in
1143 subsection (9) in reading, writing, and mathematics to qualify
1144 for a regular high school diploma. The State Board of Education
1145 shall designate a passing score for each part of the grade 10
1146 assessment test. In establishing passing scores, the state board
1147 shall consider any possible negative impact of the test on
1148 minority students. ~~All students who took the grade 10 FCAT during~~
1149 ~~the 2000-2001 school year shall be required to earn the passing~~
1150 ~~scores in reading and mathematics established by the State Board~~
1151 ~~of Education for the March 2001 test administration. Such~~
1152 ~~students who did not earn the established passing scores and must~~
1153 ~~repeat the grade 10 FCAT are required to earn the passing scores~~

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1154 ~~established for the March 2001 test administration. All students~~
1155 ~~who take the grade 10 FCAT for the first time in March 2002 shall~~
1156 ~~be required to earn the passing scores in reading and mathematics~~
1157 ~~established by the State Board of Education for the March 2002~~
1158 ~~test administration.~~ The State Board of Education shall adopt
1159 rules which specify the passing scores for the grade 10 FCAT. Any
1160 such rules, which have the effect of raising the required passing
1161 scores, shall only apply to students taking the grade 10 FCAT for
1162 the first time after such rules are adopted by the State Board of
1163 Education.

1164 6. Participation in the testing program is mandatory for
1165 all students attending public school, including students served
1166 in Department of Juvenile Justice programs, except as otherwise
1167 prescribed by the commissioner. If a student does not participate
1168 in the statewide assessment, the district must notify the
1169 student's parent and provide the parent with information
1170 regarding the implications of such nonparticipation. If
1171 modifications are made in the student's instruction to provide
1172 accommodations that would not be permitted on the statewide
1173 assessment tests, the district must notify the student's parent
1174 of the implications of such instructional modifications. A parent
1175 must provide signed consent for a student to receive
1176 instructional modifications that would not be permitted on the
1177 statewide assessments and must acknowledge in writing that he or
1178 she understands the implications of such accommodations. The
1179 State Board of Education shall adopt rules, based upon
1180 recommendations of the commissioner, for the provision of test
1181 accommodations and modifications of procedures as necessary for
1182 students in exceptional education programs and for students who

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1183 have limited English proficiency. Accommodations that negate the
1184 validity of a statewide assessment are not allowable.

1185 7. A student seeking an adult high school diploma must meet
1186 the same testing requirements that a regular high school student
1187 must meet.

1188 8. District school boards must provide instruction to
1189 prepare students to demonstrate proficiency in the skills and
1190 competencies necessary for successful grade-to-grade progression
1191 and high school graduation. If a student is provided with
1192 accommodations or modifications that are not allowable in the
1193 statewide assessment program, as described in the test manuals,
1194 the district must inform the parent in writing and must provide
1195 the parent with information regarding the impact on the student's
1196 ability to meet expected proficiency levels in reading, writing,
1197 and math. The commissioner shall conduct studies as necessary to
1198 verify that the required skills and competencies are part of the
1199 district instructional programs.

1200 9. The Department of Education must develop, or select, and
1201 implement a common battery of assessment tools that will be used
1202 in all juvenile justice programs in the state. These tools must
1203 accurately measure the skills and competencies established in the
1204 ~~Florida~~ Sunshine State Standards.

1205
1206 The commissioner may design and implement student testing
1207 programs, for any grade level and subject area, necessary to
1208 effectively monitor educational achievement in the state.

1209 (e) Conduct ongoing research and analysis of student
1210 achievement data, including, without limitation, monitoring
1211 trends in student achievement by grade level and overall student

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1212 achievement, identifying school programs that are successful, and
1213 analyzing correlates of school achievement.

1214 (9) EQUIVALENCIES FOR STANDARDIZED TESTS.--

1215 (a) The State Board of Education shall conduct concordance
1216 studies, as necessary, to determine scores on the SAT and the ACT
1217 equivalent to those required on the FCAT for high school
1218 graduation pursuant to s. 1003.429(6)(a) or s. 1003.43(5)(a).

1219 (b)(a) The Commissioner of Education shall approve the use
1220 of the SAT and ACT tests as alternative assessments to the grade
1221 10 FCAT ~~for the 2003-2004 school year~~. Students who attain scores
1222 on the SAT or ACT which equate to the passing scores on the grade
1223 10 FCAT for purposes of high school graduation shall satisfy the
1224 assessment requirement for a standard high school diploma as
1225 provided in s. 1003.429(6)(a) or s. 1003.43(5)(a) ~~for the 2003-~~
1226 ~~2004 school year~~ if the students meet the requirement in
1227 paragraph (c)(b).

1228 (c)(b) A student shall be required to take each subject
1229 area of the grade 10 FCAT a total of three times without earning
1230 a passing score in order to use the corresponding subject area
1231 scores on an alternative assessment pursuant to paragraph (b)(a).
1232 This requirement shall not apply to a new student who enters ~~is a~~
1233 ~~new student to the Florida~~ public school system in grade 12, who
1234 may either take the FCAT or use approved score equivalencies to
1235 fulfill the graduation requirement.

1236 (10) REPORTS.--The Department of Education shall annually
1237 provide a report to the Governor, the President of the Senate,
1238 and the Speaker of the House of Representatives on the following:

1239 (a) Longitudinal performance of students in mathematics and
1240 reading.

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1241 (b) Longitudinal performance of students by grade level in
1242 mathematics and reading.

1243 (c) Longitudinal performance regarding efforts to close the
1244 achievement gap.

1245 (d) Longitudinal performance of students on the norm-
1246 referenced component of the FCAT.

1247 (e) Other student performance data based on national norm-
1248 referenced and criterion-referenced tests, when available, and
1249 numbers of students who after 8th grade enroll in adult education
1250 rather than other secondary education.

1251 Section 24. Paragraph (b) of subsection (4) and paragraph
1252 (b) of subsection (8) of section 1008.25, Florida Statutes, are
1253 amended, and paragraph (c) is added to subsection (8) of that
1254 section, to read:

1255 1008.25 Public school student progression; remedial
1256 instruction; reporting requirements.--

1257 (4) ASSESSMENT AND REMEDIATION.--

1258 (b) The school in which the student is enrolled must
1259 develop, in consultation with the student's parent, and must
1260 implement an academic improvement plan designed to assist the
1261 student in meeting state and district expectations for
1262 proficiency. For a student for whom a personalized middle school
1263 success plan is required pursuant to s. 1003.415, the middle
1264 school success plan must be incorporated in the student's
1265 academic improvement plan. Beginning with the 2002-2003 school
1266 year, if the student has been identified as having a deficiency
1267 in reading, the academic improvement plan shall identify the
1268 student's specific areas of deficiency in phonemic awareness,
1269 phonics, fluency, comprehension, and vocabulary; the desired

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1270 levels of performance in these areas; and the instructional and
1271 support services to be provided to meet the desired levels of
1272 performance. Schools shall also provide for the frequent
1273 monitoring of the student's progress in meeting the desired
1274 levels of performance. District school boards may require low-
1275 performing students to attend remediation programs held before or
1276 after regular school hours or during the summer, upon the request
1277 of the school principal, and shall assist schools and teachers to
1278 implement research-based reading activities that have been shown
1279 to be successful in teaching reading to low-performing students.
1280 Remedial instruction provided during high school may not be in
1281 lieu of English and mathematics credits required for graduation.

1282 (8) ANNUAL REPORT.--

1283 (b) ~~Beginning with the 2001-2002 school year,~~ Each district
1284 school board must annually publish in the local newspaper, and
1285 report in writing to the State Board of Education by September 1
1286 of each year, the following information on the prior school year:

1287 1. The provisions of this section relating to public school
1288 student progression and the district school board's policies and
1289 procedures on student retention and promotion.

1290 2. By grade, the number and percentage of all students in
1291 grades 3 through 10 performing at Levels 1 and 2 on the reading
1292 portion of the FCAT.

1293 3. By grade, the number and percentage of all students
1294 retained in grades 3 through 10.

1295 4. Information on the total number of students who were
1296 promoted for good cause, by each category of good cause as
1297 specified in paragraph (6)(b).

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1298 5. Any revisions to the district school board's policy on
1299 student retention and promotion from the prior year.

1300 (c) The Department of Education shall establish a uniform
1301 format for school districts to report the information required in
1302 paragraph (b). The format shall be developed with input from
1303 school districts and shall be provided not later than 60 days
1304 prior to the annual due date. The department shall annually
1305 compile the information required in subparagraphs (b)2., 3., and
1306 4., along with state-level summary information, and report such
1307 information to the Governor, the President of the Senate, and the
1308 Speaker of the House of Representatives.

1309 Section 25. Section 1008.301, Florida Statutes, is
1310 repealed.

1311 Section 26. Paragraphs (b) and (c) of subsection (2) and
1312 subsection (3) of section 1008.31, Florida Statutes, are amended,
1313 and subsections (4) and (5) are added to that section, to read:

1314 1008.31 Florida's K-20 education performance accountability
1315 system; legislative intent; ~~performance-based funding~~; mission,
1316 goals, and systemwide measures; public accountability and
1317 reporting.--

1318 (2) MISSION, GOALS, AND SYSTEMWIDE MEASURES.--

1319 (b) The ~~process~~ State Board of Education shall adopt
1320 ~~guiding principles~~ for establishing state and sector-specific
1321 standards and measures must be:

1322 1. Focused on student success.

1323 2. Addressable through policy and program changes.

1324 3. Efficient and of high quality.

1325 4. Measurable over time.

1326 5. Simple to explain and display to the public.

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1327 6. Aligned with other measures and other sectors to support
1328 a coordinated K-20 education system.

1329 (c) The Department ~~State Board~~ of Education shall maintain
1330 an accountability system that measures student progress toward
1331 the following goals:

1332 1. Highest student achievement, as indicated by evidence of
1333 student learning gains at all levels measured by: ~~student FCAT~~
1334 ~~performance and annual learning gains; the number and percentage~~
1335 ~~of schools that improve at least one school performance grade~~
1336 ~~designation or maintain a school performance grade designation of~~
1337 ~~"A" pursuant to s. 1008.34; graduation or completion rates at all~~
1338 ~~learning levels; and other measures identified in law or rule.~~

1339 2. Seamless articulation and maximum access, as measured by
1340 evidence of progression, readiness, and access by targeted groups
1341 of students identified by the Commissioner of Education: ~~the~~
1342 ~~percentage of students who demonstrate readiness for the~~
1343 ~~educational level they are entering, from kindergarten through~~
1344 ~~postsecondary education and into the workforce; the number and~~
1345 ~~percentage of students needing remediation; the percentage of~~
1346 ~~Floridians who complete associate, baccalaureate, graduate,~~
1347 ~~professional, and postgraduate degrees; the number and percentage~~
1348 ~~of credits that articulate; the extent to which each set of exit~~
1349 ~~point requirements matches the next set of entrance point~~
1350 ~~requirements; the degree to which underserved populations access~~
1351 ~~educational opportunity; the extent to which access is provided~~
1352 ~~through innovative educational delivery strategies; and other~~
1353 ~~measures identified in law or rule.~~

1354 3. Skilled workforce and economic development, as measured
1355 by evidence of employment and earnings: ~~the number and percentage~~

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1356 ~~of graduates employed in their areas of preparation; the~~
1357 ~~percentage of Floridians with high school diplomas and~~
1358 ~~postsecondary education credentials; the percentage of business~~
1359 ~~and community members who find that Florida's graduates possess~~
1360 ~~the skills they need; national rankings; and other measures~~
1361 ~~identified in law or rule.~~

1362 4. Quality efficient services, as measured by evidence of
1363 return on investment: cost per completer or graduate; average
1364 cost per noncompleter at each educational level; cost disparity
1365 across institutions offering the same degrees; the percentage of
1366 education customers at each educational level who are satisfied
1367 with the education provided; and other measures identified in law
1368 or rule.

1369 5. Other goals as identified by law or rule.

1370 (3) K-20 EDUCATION DATA QUALITY IMPROVEMENTS SYSTEMWIDE
1371 DATA COLLECTION.--To provide data required to implement education
1372 performance accountability measures in state and federal law, the
1373 Commissioner of Education shall initiate and maintain strategies
1374 to improve data quality and timeliness.

1375 (a) School districts and public postsecondary educational
1376 institutions shall maintain information systems that will provide
1377 the State Board of Education, the Board of Governors of the State
1378 University System, and the Legislature with information and
1379 reports necessary to address the specifications of the
1380 accountability system. ~~The State Board of Education shall~~
1381 ~~determine the standards for the required data.~~ The level of
1382 comprehensiveness and quality shall be no less than that which
1383 was available as of June 30, 2001.

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1384 (b) The Commissioner of Education shall determine the
1385 standards for the required data, monitor data quality, and
1386 measure improvements. The commissioner shall report annually to
1387 the State Board of Education, the Board of Governors of the State
1388 University System, the President of the Senate, and the Speaker
1389 of the House of Representatives data quality indicators and
1390 ratings for all school districts and public postsecondary
1391 educational institutions.

1392 (4) REPORTING OR DATA COLLECTION.--The department shall
1393 coordinate with school districts in developing any reporting or
1394 data collection requirements to address the specifications of the
1395 accountability system. Before establishing any new reporting or
1396 data collection requirements, the department shall utilize any
1397 existing data being collected to reduce duplication and minimize
1398 paperwork.

1399 (5) RULES.--The State Board of Education shall adopt rules
1400 pursuant to ss. 120.536(1) and 120.54 to implement the provisions
1401 of this section.

1402 Section 27. Subsections (1), (2), and (4) of section
1403 1008.33, Florida Statutes, are amended to read:

1404 1008.33 Authority to enforce public school improvement.--It
1405 is the intent of the Legislature that all public schools be held
1406 accountable for students performing at acceptable levels. A
1407 system of school improvement and accountability that assesses
1408 student performance by school, identifies schools in which
1409 students are not making adequate progress toward state standards,
1410 institutes appropriate measures for enforcing improvement, and
1411 provides rewards and sanctions based on performance shall be the
1412 responsibility of the State Board of Education.

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1413 (1) Pursuant to Art. IX of the State Constitution
1414 prescribing the duty of the State Board of Education to supervise
1415 Florida's public school system and notwithstanding any other
1416 statutory provisions to the contrary, the State Board of
1417 Education shall intervene in the operation of a district school
1418 system when one or more schools in the school district have
1419 failed to make adequate progress for 2 school years in a 4-year
1420 period. For purposes of determining when a school is eligible for
1421 state board action and opportunity scholarships for its students,
1422 the terms "2 years in any 4-year period" and "2 years in a 4-year
1423 period" mean that in any year that a school has a grade of "F,"
1424 the school is eligible for state board action and opportunity
1425 scholarships for its students if it also has had a grade of "F"
1426 in any of the previous 3 school years. The State Board of
1427 Education may determine that the school district or school has
1428 not taken steps sufficient for students in the school to be
1429 academically well served. Considering recommendations of the
1430 Commissioner of Education, the State Board of Education shall
1431 recommend action to a district school board intended to improve
1432 educational services to students in each school that is
1433 designated with a ~~as~~ performance ~~grade of category~~ "F."
1434 Recommendations for actions to be taken in the school district
1435 shall be made only after thorough consideration of the unique
1436 characteristics of a school, which shall include student mobility
1437 rates, the number and type of exceptional students enrolled in
1438 the school, and the availability of options for improved
1439 educational services. The state board shall adopt by rule steps
1440 to follow in this process. Such steps shall provide school
1441 districts sufficient time to improve student performance in

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1442 schools and the opportunity to present evidence of assistance and
1443 interventions that the district school board has implemented.

1444 (2) The State Board of Education may recommend one or more
1445 of the following actions to district school boards to enable
1446 students in schools designated with a ~~as~~ performance grade of of
1447 ~~category~~ "F" to be academically well served by the public school
1448 system:

1449 (a) Provide additional resources, change certain practices,
1450 and provide additional assistance if the state board determines
1451 the causes of inadequate progress to be related to school
1452 district policy or practice;

1453 (b) Implement a plan that satisfactorily resolves the
1454 education equity problems in the school;

1455 (c) Contract for the educational services of the school, or
1456 reorganize the school at the end of the school year under a new
1457 school principal who is authorized to hire new staff and
1458 implement a plan that addresses the causes of inadequate
1459 progress;

1460 (d) Authorize the school principal to discipline low-
1461 performing faculty and staff as necessary to improve educational
1462 opportunities and the performance of the students;

1463 ~~(e)(d)~~ Allow parents of students in the school to send
1464 their children to another district school of their choice; or

1465 ~~(f)(e)~~ Other action appropriate to improve the school's
1466 performance.

1467 (4) The State Board of Education may require the Department
1468 of Education or Chief Financial Officer to withhold any transfer
1469 of state funds to the school district if, within the timeframe
1470 specified in state board action, the school district has failed

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1471 to comply with the action ordered to improve the district's low-
1472 performing schools. Withholding the transfer of funds shall occur
1473 only after all other recommended actions for school improvement
1474 have failed to improve performance. The State Board of Education
1475 may impose the same penalty on any district school board that
1476 fails to develop and implement a plan for assistance and
1477 intervention for low-performing schools as specified in s.
1478 1001.42(16) (d) ~~(e)~~.

1479 Section 28. Section 1008.34, Florida Statutes, is amended
1480 to read:

1481 1008.34 School grading system; school report cards;
1482 district ~~performance~~ grade.--

1483 (1) ANNUAL REPORTS.--The Commissioner of Education shall
1484 prepare annual reports of the results of the statewide assessment
1485 program which describe student achievement in the state, each
1486 district, and each school. The commissioner shall prescribe the
1487 design and content of these reports, which must include, without
1488 limitation, descriptions of the performance of all schools
1489 participating in the assessment program and all of their major
1490 student populations as determined by the Commissioner of
1491 Education, and must also include the median scores of all
1492 eligible students who scored at or in the lowest 25th percentile
1493 of the state in the previous school year; provided, however, that
1494 the provisions of s. 1002.22 pertaining to student records apply
1495 to this section.

1496 (2) SCHOOL GRADES ~~PERFORMANCE GRADE CATEGORIES~~.--The annual
1497 report shall identify schools as having one of the following
1498 grades ~~being in one of the following grade categories~~ defined
1499 according to rules of the State Board of Education:

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- 1500 (a) "A," schools making excellent progress.
1501 (b) "B," schools making above average progress.
1502 (c) "C," schools making satisfactory progress.
1503 (d) "D," schools making less than satisfactory progress.
1504 (e) "F," schools failing to make adequate progress.

1505

1506 Each school designated with a in performance grade of category
1507 "A," making excellent progress, or having improved at least two
1508 ~~performance grade levels categories~~, shall have greater authority
1509 over the allocation of the school's total budget generated from
1510 the FEFP, state categoricals, lottery funds, grants, and local
1511 funds, as specified in state board rule. The rule must provide
1512 that the increased budget authority shall remain in effect until
1513 the school's ~~performance~~ grade declines.

1514 (3) DESIGNATION OF SCHOOL GRADES ~~PERFORMANCE GRADE~~
1515 CATEGORIES.--Each school with students tested and included in the
1516 school grading system, except an alternative school that receives
1517 a school improvement rating pursuant to s. 1008.341, shall
1518 receive a school grade, provided that an alternative school may
1519 choose to receive a school grade under this section in lieu of a
1520 school improvement rating. Additionally, a school that serves any
1521 combination of students in kindergarten through grade 3 that does
1522 not receive a school grade because its students are not tested
1523 and included in the school grading system shall receive the
1524 school grade designation of a feeder pattern school identified by
1525 the Department of Education and verified by the school district.
1526 A school feeder pattern exists if at least 60 percent of the
1527 students in the school serving a combination of students in
1528 kindergarten through grade 3 are scheduled to be assigned to the

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1529 graded school. School grades ~~performance grade category~~
1530 ~~designations~~ itemized in subsection (2) shall be based on the
1531 following:

1532 (a) Criteria Timeframes.--A school's grade shall be based
1533 on a combination of:

1534 1. Student achievement scores ~~School performance grade~~
1535 ~~category designations shall be based on the school's current year~~
1536 ~~performance and the school's annual learning gains.~~

1537 2. ~~A school's performance grade category designation shall~~
1538 ~~be based on a combination of student achievement scores,~~ Student
1539 learning gains as measured by annual FCAT assessments in grades 3
1540 through 10., and

1541 3. Improvement of the lowest 25th percentile of students in
1542 the school ~~in reading, math, or writing on the FCAT~~ Reading,
1543 unless these students are exhibiting ~~performing~~ above
1544 satisfactory performance.

1545 (b) Student assessment data.--Student assessment data used
1546 in determining school grades ~~performance grade categories~~ shall
1547 include:

1548 1. The aggregate scores of all eligible students enrolled
1549 in the school who have been assessed on the FCAT.

1550 2. The aggregate scores of all eligible students enrolled
1551 in the school who have been assessed on the FCAT, including
1552 Florida Writes, and who have scored at or in the lowest 25th
1553 percentile of students in the school in reading, math, or
1554 writing, unless these students are exhibiting ~~performing~~ above
1555 satisfactory performance.

1556 3. The achievement scores and learning gains of eligible
1557 students attending alternative schools that provide dropout

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1558 prevention and academic intervention services pursuant to s.
1559 1003.53. The term "eligible students" in this subparagraph does
1560 not include students attending an alternative school who are
1561 subject to district school board policies for expulsion for
1562 repeated or serious offenses, who are in dropout retrieval
1563 programs serving students who have officially been designated as
1564 dropouts, or who are in Department of Juvenile Justice operated
1565 and contracted programs. The student performance data for
1566 eligible students identified in this subparagraph shall be
1567 included in the calculation of the home school's grade. For
1568 purposes of this section and s. 1008.341, "home school" means the
1569 school the student was attending when assigned to an alternative
1570 school or the school to which the student would be assigned if
1571 the student left the alternative school. If an alternative school
1572 chooses to be graded pursuant to this section, student
1573 performance data for eligible students identified in this
1574 subparagraph shall not be included in the home school's grade but
1575 shall only be included in calculation of the alternative school's
1576 improvement rating. School districts must ensure collaboration
1577 between the home school and the alternative school to promote
1578 student success.

1579
1580 ~~The Department of Education shall study the effects of mobility~~
1581 ~~on the performance of highly mobile students and recommend~~
1582 ~~programs to improve the performance of such students. The State~~
1583 ~~Board of Education shall adopt appropriate criteria for each~~
1584 ~~school performance grade category. The criteria must also give~~
1585 ~~added weight to student achievement in reading. Schools~~
1586 ~~designated with a as performance grade of category "C," making~~

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1587 satisfactory progress, shall be required to demonstrate that
1588 adequate progress has been made by students in the school who are
1589 in the lowest 25th percentile in reading, math, or writing on the
1590 FCAT, including Florida Writes, unless these students are
1591 exhibiting ~~performing~~ above satisfactory performance.

1592 (4) SCHOOL IMPROVEMENT RATINGS.--The annual report shall
1593 identify each school's performance as having improved, remained
1594 the same, or declined. This school improvement rating shall be
1595 based on a comparison of the current year's and previous year's
1596 student and school performance data. Schools that improve at
1597 least one ~~performance~~ grade level ~~category~~ are eligible for
1598 school recognition awards pursuant to s. 1008.36.

1599 (5) ~~SCHOOL REPORT CARD PERFORMANCE GRADE CATEGORY AND~~
1600 ~~IMPROVEMENT RATING REPORTS.--~~The Department of Education shall
1601 annually develop, in collaboration with the school districts, a
1602 school report card to be delivered to parents throughout each
1603 school district. The report card shall include the school's
1604 grade, information regarding school improvement, an explanation
1605 of school performance as evaluated by the federal No Child Left
1606 Behind Act of 2001, and indicators of return on investment.
1607 ~~School performance grade category designations and improvement~~
1608 ~~ratings shall apply to each school's performance for the year in~~
1609 ~~which performance is measured. Each school's~~ report card
1610 ~~designation and rating shall be published annually by the~~
1611 ~~department~~ on its website, ~~of Education~~ and the school district
1612 shall provide the school report card to each parent. Parents
1613 ~~shall be entitled to an easy to read report card about the~~
1614 ~~designation and rating of the school in which their child is~~
1615 ~~enrolled.~~

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1616 ~~(6)~~~~(7)~~ PERFORMANCE-BASED FUNDING.--The Legislature may
1617 factor in the performance of schools in calculating any
1618 performance-based funding policy that is provided for annually in
1619 the General Appropriations Act.

1620 ~~(7)~~~~(8)~~ DISTRICT ~~PERFORMANCE~~ GRADE.--The annual report
1621 required by subsection (1) shall include district ~~performance~~
1622 grades, which shall consist of weighted district average grades,
1623 by level, for all elementary schools, middle schools, and high
1624 schools in the district. A district's weighted average grade
1625 shall be calculated by weighting individual school grades
1626 determined pursuant to subsection (2) by school enrollment.

1627 ~~(8)~~~~(6)~~ RULES.--The State Board of Education shall adopt
1628 rules pursuant to ss. 120.536(1) and 120.54 to implement the
1629 provisions of this section.

1630 Section 29. Section 1008.341, Florida Statutes, is created
1631 to read:

1632 1008.341 School improvement rating for alternative
1633 schools.--

1634 (1) ANNUAL REPORTS.--The Commissioner of Education shall
1635 prepare an annual report on the performance of each school
1636 receiving a school improvement rating pursuant to this section
1637 provided that the provisions of s. 1002.22 pertaining to student
1638 records shall apply.

1639 (2) SCHOOL IMPROVEMENT RATING.--Alternative schools that
1640 provide dropout prevention and academic intervention services
1641 pursuant to s. 1003.53 shall receive a school improvement rating
1642 pursuant to this section. The school improvement rating shall
1643 identify schools as having one of the following ratings defined
1644 according to rules of the State Board of Education:

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1645 (a) "Improving," schools with students making more academic
1646 progress than when the students were served in their home
1647 schools.

1648 (b) "Maintaining," schools with students making progress
1649 equivalent to the progress made when the students were served in
1650 their home schools.

1651 (c) "Declining," schools with students making less academic
1652 progress than when the students were served in their home
1653 schools.

1654

1655 The school improvement rating shall be based on a comparison of
1656 the current year and previous year student performance data.
1657 Schools that improve at least one level or maintain an
1658 "improving" rating pursuant to this section are eligible for
1659 school recognition awards pursuant to s. 1008.36.

1660 (3) DESIGNATION OF SCHOOL IMPROVEMENT RATING.--Student data
1661 used in determining an alternative school's school improvement
1662 rating shall include:

1663 (a) The aggregate scores of all eligible students who were
1664 assigned to and enrolled in the school during the October or
1665 February FTE count, who have been assessed on the FCAT, and who
1666 have FCAT or comparable scores for the preceding school year.

1667 (b) The aggregate scores of all eligible students who were
1668 assigned to and enrolled in the school during the October or
1669 February FTE count, who have been assessed on the FCAT, including
1670 Florida Writes, and who have scored in the lowest 25th percentile
1671 of students in the state on FCAT Reading.

1672 (c) Student attendance.

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1674 The assessment scores of students who are subject to district
1675 school board policies for expulsion for repeated or serious
1676 offenses, who are in dropout retrieval programs serving students
1677 who have officially been designated as dropouts, or who are in
1678 Department of Juvenile Justice operated and contracted programs
1679 shall not be included in an alternative school's school
1680 improvement rating.

1681 (4) IDENTIFICATION OF STUDENT LEARNING GAINS.--For each
1682 alternative school receiving a school improvement rating, the
1683 Department of Education shall annually identify the percentage of
1684 students making learning gains as compared to the percentage of
1685 the same students making learning gains in their home schools in
1686 the year prior to being assigned to the alternative school.

1687 (5) SCHOOL REPORT CARD.--The Department of Education shall
1688 annually develop, in collaboration with the school districts, a
1689 school report card for alternative schools to be delivered to
1690 parents throughout each school district. The report card shall
1691 include the school improvement rating, identification of student
1692 learning gains, student attendance data, information regarding
1693 school improvement, an explanation of school performance as
1694 evaluated by the federal No Child Left Behind Act of 2001, and
1695 indicators of return on investment.

1696 (6) RULES.--The State Board of Education shall adopt rules
1697 pursuant to ss. 120.536(1) and 120.54 to implement the provisions
1698 of this section.

1699 Section 30. Subsection (5), paragraphs (b) and (d) of
1700 subsection (6), and subsection (7) of section 1008.345, Florida
1701 Statutes, are amended to read:

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1702 1008.345 Implementation of state system of school
1703 improvement and education accountability.--

1704 (5) The commissioner shall report to the Legislature and
1705 recommend changes in state policy necessary to foster school
1706 improvement and education accountability. Included in the report
1707 shall be a list of the schools, including schools operating for
1708 the purpose of providing educational services to youth in
1709 Department of Juvenile Justice programs, for which district
1710 school boards have developed assistance and intervention plans
1711 and an analysis of the various strategies used by the school
1712 boards. School reports shall be distributed pursuant to this
1713 subsection and s. 1001.42(16) ~~(f)~~ ~~(e)~~ and according to rules
1714 adopted by the State Board of Education.

1715 (6)

1716 (b) Upon request, the department shall provide technical
1717 assistance and training to any school, including any school
1718 operating for the purpose of providing educational services to
1719 youth in Department of Juvenile Justice programs, school advisory
1720 council, district, or district school board for conducting needs
1721 assessments, developing and implementing school improvement
1722 plans, developing and implementing assistance and intervention
1723 plans, or implementing other components of school improvement and
1724 accountability. Priority for these services shall be given to
1725 schools designated with a ~~as~~ ~~performance~~ grade of category ~~category~~ "D" or
1726 "F" and school districts in rural and sparsely populated areas of
1727 the state.

1728 (d) The department shall assign a community assessment team
1729 to each school district with a school designated with a ~~as~~
1730 ~~performance~~ grade of category "D" or "F" to review the school

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1731 performance data and determine causes for the low performance.
1732 The team shall make recommendations to the school board, to the
1733 department, and to the State Board of Education for implementing
1734 an assistance and intervention plan that will address the causes
1735 of the school's low performance. The assessment team shall
1736 include, but not be limited to, a department representative,
1737 parents, business representatives, educators, and community
1738 activists, and shall represent the demographics of the community
1739 from which they are appointed.

1740 (7)(a) Schools designated with a in-performance grade of
1741 category "A," making excellent progress, shall, if requested by
1742 the school, be given deregulated status as specified in s.
1743 1003.63(5), (7), (8), (9), and (10).

1744 (b) Schools that have improved at least two grades
1745 ~~performance grade categories~~ and that meet the criteria of the
1746 Florida School Recognition Program pursuant to s. 1008.36 may be
1747 given deregulated status as specified in s. 1003.63(5), (7), (8),
1748 (9), and (10).

1749 Section 31. Subsections (2), (3), (4), and (5) of section
1750 1008.36, Florida Statutes, are amended to read:

1751 1008.36 Florida School Recognition Program.--

1752 (2) The Florida School Recognition Program is created to
1753 provide financial awards to public schools that:

1754 (a) Sustain high performance by receiving a school grade of
1755 "A," making excellent progress; or

1756 (b) Demonstrate exemplary improvement due to innovation and
1757 effort by improving a letter grade.
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1759 Schools that meet the requirements of this subsection and are
1760 designated as making adequate yearly progress according to the
1761 federal No Child Left Behind Act of 2001 shall receive additional
1762 financial awards as determined annually in the General
1763 Appropriations Act.

1764 (3) All public schools, including charter schools and
1765 feeder pattern schools, that receive a school grade pursuant to
1766 s. 1008.34 or a school improvement rating pursuant to s. 1008.341
1767 are eligible to participate in the program.

1768 (4) All selected schools shall receive financial awards
1769 depending on the availability of funds appropriated and the
1770 number and size of schools selected to receive an award. Funds
1771 must be distributed to the school's fiscal agent and placed in
1772 the school's account and must be used for purposes listed in
1773 subsection (5) as determined by the school advisory council
1774 pursuant to s. 1001.452 in the annual school improvement plan
1775 required under s. 1001.42(16)(a). If such a determination is not
1776 included in the school improvement plan, the school shall not be
1777 eligible to receive a financial award jointly by the school's
1778 staff and school advisory council. If school staff and the school
1779 advisory council cannot reach agreement by November 1, the awards
1780 must be equally distributed to all classroom teachers currently
1781 teaching in the school.

1782 (5) School recognition awards must be used for the
1783 following:

1784 (a) Nonrecurring bonuses to the faculty and staff who
1785 taught at the school during the year of improved performance;

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1786 (b) Nonrecurring expenditures for educational equipment, ~~or~~
1787 materials, or student incentives to assist in maintaining and
1788 improving student performance; or

1789 (c) Temporary personnel for the school to assist in
1790 maintaining and improving student performance.

1791
1792 Notwithstanding statutory provisions to the contrary, incentive
1793 awards are not subject to collective bargaining.

1794 Section 32. Paragraphs (f), (h), (l), (m), and (n) of
1795 subsection (1) and paragraphs (a) and (b) of subsection (4) of
1796 section 1011.62, Florida Statutes, are amended, subsections (8)
1797 and (9) are renumbered as subsections (9) and (10), respectively,
1798 and amended, and a new subsection (8) is added to that section,
1799 to read:

1800 1011.62 Funds for operation of schools.--If the annual
1801 allocation from the Florida Education Finance Program to each
1802 district for operation of schools is not determined in the annual
1803 appropriations act or the substantive bill implementing the
1804 annual appropriations act, it shall be determined as follows:

1805 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR
1806 OPERATION.--The following procedure shall be followed in
1807 determining the annual allocation to each district for operation:

1808 (f) Supplemental academic instruction; categorical fund.--

1809 1. There is created a categorical fund to provide
1810 supplemental academic instruction to students in kindergarten
1811 through grade 12. This paragraph may be cited as the
1812 "Supplemental Academic Instruction Categorical Fund."

1813 2. Categorical funds for supplemental academic instruction
1814 shall be allocated annually to each school district in the amount

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provided in the General Appropriations Act. These funds shall be in addition to the funds appropriated on the basis of FTE student membership in the Florida Education Finance Program and shall be included in the total potential funds of each district. These funds shall be used to provide supplemental academic instruction to students enrolled in the K-12 program. Supplemental instruction strategies may include, but are not limited to: modified curriculum, reading instruction, after-school instruction, tutoring, mentoring, class size reduction, extended school year, intensive skills development in summer school, and other methods for improving student achievement. Supplemental instruction may be provided to a student in any manner and at any time during or beyond the regular 180-day term identified by the school as being the most effective and efficient way to best help that student progress from grade to grade and to graduate.

3. Effective with the 1999-2000 fiscal year, funding on the basis of FTE membership beyond the 180-day regular term shall be provided in the FEFP only for students enrolled in juvenile justice education programs or in an education program for juveniles under s. 985.223. Funding for instruction beyond the regular 180-day school year for all other K-12 students shall be provided through the supplemental academic instruction categorical fund and other state, federal, and local fund sources with ample flexibility for schools to provide supplemental instruction to assist students in progressing from grade to grade and graduating.

4. The Florida State University School, as a lab school, is authorized to expend from its FEFP or Lottery Enhancement Trust Fund allocation the cost to the student of remediation in

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1844 reading, writing, or mathematics for any graduate who requires
1845 remediation at a postsecondary educational institution.

1846 5. Beginning in the 1999-2000 school year, dropout
1847 prevention programs as defined in ss. 1003.52, 1003.53(1)(a),
1848 (b), and (c), and 1003.54 shall be included in group 1 programs
1849 under subparagraph (d)3.

1850 6. Beginning in the 2006-2007 school year, parents of the
1851 following students shall be offered the opportunity to choose
1852 supplemental educational services from the school district or
1853 from a list of providers approved by the Department of Education:

1854 a. Third grade students scoring at Level 1 on FCAT Reading
1855 who are not eligible for supplemental educational services
1856 through the requirements of the federal No Child Left Behind Act
1857 of 2001.

1858 b. High school students failing grade 10 FCAT Reading or
1859 grade 10 FCAT Mathematics on their second attempt who are not
1860 eligible for supplemental educational services through the
1861 requirements of the federal No Child Left Behind Act of 2001.

1862
1863 Funds per student for the purposes of this subparagraph shall be
1864 determined annually in the General Appropriations Act.

1865 (h) Small, isolated high schools.--Districts which levy the
1866 maximum nonvoted discretionary millage, exclusive of millage for
1867 capital outlay purposes levied pursuant to s. 1011.71(2), may
1868 calculate full-time equivalent students for small, isolated high
1869 schools by multiplying the number of unweighted full-time
1870 equivalent students times 2.75; provided the school has attained
1871 a ~~state accountability performance grade category~~ of "C" or
1872 better, pursuant to s. 1008.34, for the previous school year. For

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1873 the purpose of this section, the term "small, isolated high
1874 school" means any high school which is located no less than 28
1875 miles by the shortest route from another high school; which has
1876 been serving students primarily in basic studies provided by sub-
1877 subparagraphs (c)1.b. and c. and may include subparagraph (c)4.;
1878 and which has a membership of no more than 100 students, but no
1879 fewer than 28 students, in grades 9 through 12.

1880 (1) Calculation of additional full-time equivalent
1881 membership based on international baccalaureate examination
1882 scores of students.--A value of 0.24 full-time equivalent student
1883 membership shall be calculated for each student enrolled in an
1884 international baccalaureate course who receives a score of 4 or
1885 higher on a subject examination. A value of 0.3 full-time
1886 equivalent student membership shall be calculated for each
1887 student who receives an international baccalaureate diploma. Such
1888 value shall be added to the total full-time equivalent student
1889 membership in basic programs for grades 9 through 12 in the
1890 subsequent fiscal year. The school district shall distribute to
1891 each classroom teacher who provided international baccalaureate
1892 instruction:

1893 1. A bonus in the amount of \$50 for each student taught by
1894 the International Baccalaureate teacher in each international
1895 baccalaureate course who receives a score of 4 or higher on the
1896 international baccalaureate examination.

1897 2. An additional bonus of \$500 to each International
1898 Baccalaureate teacher in a school designated with a performance
1899 grade of category "D" or "F" who has at least one student scoring
1900 4 or higher on the international baccalaureate examination,
1901 regardless of the number of classes taught or of the number of

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1902 students scoring a 4 or higher on the international baccalaureate
1903 examination.

1904
1905 Bonuses awarded to a teacher according to this paragraph shall
1906 not exceed \$2,000 in any given school year and shall be in
1907 addition to any regular wage or other bonus the teacher received
1908 or is scheduled to receive.

1909 (m) Calculation of additional full-time equivalent
1910 membership based on Advanced International Certificate of
1911 Education examination scores of students.--A value of 0.24 full-
1912 time equivalent student membership shall be calculated for each
1913 student enrolled in a full-credit Advanced International
1914 Certificate of Education course who receives a score of E or
1915 higher on a subject examination. A value of 0.12 full-time
1916 equivalent student membership shall be calculated for each
1917 student enrolled in a half-credit Advanced International
1918 Certificate of Education course who receives a score of E or
1919 higher on a subject examination. A value of 0.3 full-time
1920 equivalent student membership shall be calculated for each
1921 student who receives an Advanced International Certificate of
1922 Education diploma. Such value shall be added to the total full-
1923 time equivalent student membership in basic programs for grades 9
1924 through 12 in the subsequent fiscal year. The school district
1925 shall distribute to each classroom teacher who provided Advanced
1926 International Certificate of Education instruction:

1927 1. A bonus in the amount of \$50 for each student taught by
1928 the Advanced International Certificate of Education teacher in
1929 each full-credit Advanced International Certificate of Education
1930 course who receives a score of E or higher on the Advanced

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1931 International Certificate of Education examination. A bonus in
1932 the amount of \$25 for each student taught by the Advanced
1933 International Certificate of Education teacher in each half-
1934 credit Advanced International Certificate of Education course who
1935 receives a score of E or higher on the Advanced International
1936 Certificate of Education examination.

1937 2. An additional bonus of \$500 to each Advanced
1938 International Certificate of Education teacher in a school
1939 designated with a performance grade of category "D" or "F" who
1940 has at least one student scoring E or higher on the full-credit
1941 Advanced International Certificate of Education examination,
1942 regardless of the number of classes taught or of the number of
1943 students scoring an E or higher on the full-credit Advanced
1944 International Certificate of Education examination.

1945 3. Additional bonuses of \$250 each to teachers of half-
1946 credit Advanced International Certificate of Education classes in
1947 a school designated with a performance grade of category "D" or
1948 "F" which has at least one student scoring an E or higher on the
1949 half-credit Advanced International Certificate of Education
1950 examination in that class. The maximum additional bonus for a
1951 teacher awarded in accordance with this subparagraph shall not
1952 exceed \$500 in any given school year. Teachers receiving an award
1953 under subparagraph 2. are not eligible for a bonus under this
1954 subparagraph.

1955
1956 Bonuses awarded to a teacher according to this paragraph shall
1957 not exceed \$2,000 in any given school year and shall be in
1958 addition to any regular wage or other bonus the teacher received
1959 or is scheduled to receive.

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1960 (n) Calculation of additional full-time equivalent
1961 membership based on college board advanced placement scores of
1962 students.--A value of 0.24 full-time equivalent student
1963 membership shall be calculated for each student in each advanced
1964 placement course who receives a score of 3 or higher on the
1965 College Board Advanced Placement Examination for the prior year
1966 and added to the total full-time equivalent student membership in
1967 basic programs for grades 9 through 12 in the subsequent fiscal
1968 year. Each district must allocate at least 80 percent of the
1969 funds provided to the district for advanced placement
1970 instruction, in accordance with this paragraph, to the high
1971 school that generates the funds. The school district shall
1972 distribute to each classroom teacher who provided advanced
1973 placement instruction:

1974 1. A bonus in the amount of \$50 for each student taught by
1975 the Advanced Placement teacher in each advanced placement course
1976 who receives a score of 3 or higher on the College Board Advanced
1977 Placement Examination.

1978 2. An additional bonus of \$500 to each Advanced Placement
1979 teacher in a school designated with a performance grade of
1980 ~~category~~ "D" or "F" who has at least one student scoring 3 or
1981 higher on the College Board Advanced Placement Examination,
1982 regardless of the number of classes taught or of the number of
1983 students scoring a 3 or higher on the College Board Advanced
1984 Placement Examination.

1985

1986 Bonuses awarded to a teacher according to this paragraph shall
1987 not exceed \$2,000 in any given school year and shall be in

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1988 addition to any regular wage or other bonus the teacher received
1989 or is scheduled to receive.

1990 (4) COMPUTATION OF DISTRICT REQUIRED LOCAL EFFORT.--The
1991 Legislature shall prescribe the aggregate required local effort
1992 for all school districts collectively as an item in the General
1993 Appropriations Act for each fiscal year. The amount that each
1994 district shall provide annually toward the cost of the Florida
1995 Education Finance Program for kindergarten through grade 12
1996 programs shall be calculated as follows:

1997 (a) Estimated taxable value calculations.--

1998 1.a. Not later than 2 working days prior to July 19, the
1999 Department of Revenue shall certify to the Commissioner of
2000 Education its most recent estimate of the taxable value for
2001 school purposes in each school district and the total for all
2002 school districts in the state for the current calendar year based
2003 on the latest available data obtained from the local property
2004 appraisers. Not later than July 19, the Commissioner of Education
2005 shall compute a millage rate, rounded to the next highest one
2006 one-thousandth of a mill, which, when applied to 95 percent of
2007 the estimated state total taxable value for school purposes,
2008 would generate the prescribed aggregate required local effort for
2009 that year for all districts. The Commissioner of Education shall
2010 certify to each district school board the millage rate, computed
2011 as prescribed in this subparagraph, as the minimum millage rate
2012 necessary to provide the district required local effort for that
2013 year.

2014 b. The General Appropriations Act shall direct the
2015 computation of the statewide adjusted aggregate amount for
2016 required local effort for all school districts collectively from

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2017 ad valorem taxes to ensure that no school district's revenue from
2018 required local effort millage will produce more than 90 percent
2019 of the district's total Florida Education Finance Program
2020 calculation, and the adjustment of the required local effort
2021 millage rate of each district that produces more than 90 percent
2022 of its total Florida Education Finance Program entitlement to a
2023 level that will produce only 90 percent of its total Florida
2024 Education Finance Program entitlement in the July calculation.

2025 2. As revised data are received from property appraisers,
2026 the Department of Revenue shall amend the certification of the
2027 estimate of the taxable value for school purposes. The
2028 Commissioner of Education, in administering the provisions of
2029 subparagraph (10)~~(9)~~(a)2., shall use the most recent taxable
2030 value for the appropriate year.

2031 (b) Final calculation.--

2032 1. The Department of Revenue shall, upon receipt of the
2033 official final assessed value of property from each of the
2034 property appraisers, certify to the Commissioner of Education the
2035 taxable value total for school purposes in each school district,
2036 subject to the provisions of paragraph (d). The commissioner
2037 shall use the official final taxable value for school purposes
2038 for each school district in the final calculation of the annual
2039 Florida Education Finance Program allocations.

2040 2. For the purposes of this paragraph, the official final
2041 taxable value for school purposes shall be the taxable value for
2042 school purposes on which the tax bills are computed and mailed to
2043 the taxpayers, adjusted to reflect final administrative actions
2044 of value adjustment boards and judicial decisions pursuant to
2045 part I of chapter 194. By September 1 of each year, the

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2046 Department of Revenue shall certify to the commissioner the
2047 official prior year final taxable value for school purposes. For
2048 each county that has not submitted a revised tax roll reflecting
2049 final value adjustment board actions and final judicial
2050 decisions, the Department of Revenue shall certify the most
2051 recent revision of the official taxable value for school
2052 purposes. The certified value shall be the final taxable value
2053 for school purposes, and no further adjustments shall be made,
2054 except those made pursuant to subparagraph ~~(10)+9~~(a)2.

2055 (8) RESEARCH-BASED READING INSTRUCTION ALLOCATION.--

2056 (a) The research-based reading instruction allocation is
2057 created to provide comprehensive reading instruction to students
2058 in kindergarten through grade 12.

2059 (b) Funds for comprehensive, research-based reading
2060 instruction shall be allocated annually to each school district
2061 in the amount provided in the General Appropriations Act. Each
2062 eligible school district shall receive the same minimum amount as
2063 specified in the General Appropriations Act, and any remaining
2064 funds shall be distributed to eligible school districts based on
2065 each school district's proportionate share of K-12 base funding.

2066 (c) Funds must be used to provide a system of comprehensive
2067 reading instruction to students enrolled in the K-12 programs,
2068 which may include the following:

2069 1. The provision of highly qualified reading coaches.

2070 2. Professional development for school district teachers in
2071 scientifically based reading instruction.

2072 3. The provision of summer reading camps for students who
2073 score at Level 1 on FCAT Reading.

2074 4. The provision of supplemental instructional materials

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2075 that are grounded in scientifically based reading research and
2076 comprehensive training in their use for which teachers shall
2077 receive inservice credit. Each school district shall provide for
2078 such training which must support fidelity of implementation, and
2079 the school district shall certify that the teacher has
2080 demonstrated competence in using the material correctly. Data on
2081 this training shall be collected by the Department of Education.
2082 5. The provision of intensive interventions for middle and
2083 high school students reading below grade level.
2084 (d) Annually, by a date determined by the Department of
2085 Education but before May 1, school districts shall submit a K-12
2086 comprehensive reading plan for the specific use of the research-
2087 based reading instruction allocation in the format prescribed by
2088 the department for review and approval by the Just Read, Florida!
2089 Office created pursuant to s. 1001.215. The plan annually
2090 submitted by school districts shall be deemed approved unless the
2091 department rejects the plan on or before June 1. If a school
2092 district and the Just Read, Florida! Office cannot reach
2093 agreement on the contents of the plan, the school district may
2094 appeal to the State Board of Education for resolution. High-
2095 performing school districts shall be allowed reasonable
2096 flexibility in designing their plans and shall be encouraged to
2097 offer reading remediation through innovative methods, including
2098 career academies. The plan format shall be developed with input
2099 from school district personnel, including teachers and
2100 principals, and shall allow courses in core, career, and
2101 alternative programs that deliver intensive reading remediation
2102 through integrated curricula. No later than July 1 annually, the
2103 department shall release the school district's allocation of

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2104 appropriated funds to those districts with approved plans. A
2105 school district that spends 100 percent of this allocation on its
2106 approved plan shall be deemed to have been in compliance with the
2107 plan. The department may withhold funds upon a determination that
2108 reading instruction allocation funds are not being used to
2109 implement the approved plan.

2110 (9)+(8) QUALITY ASSURANCE GUARANTEE.--The Legislature may
2111 annually in the General Appropriations Act determine a percentage
2112 increase in funds per K-12 unweighted FTE as a minimum guarantee
2113 to each school district. The guarantee shall be calculated from
2114 prior year base funding per unweighted FTE student which shall
2115 include the adjusted FTE dollars as provided in subsection
2116 (10)+(9), quality guarantee funds, and actual nonvoted
2117 discretionary local effort from taxes. From the base funding per
2118 unweighted FTE, the increase shall be calculated for the current
2119 year. The current year funds from which the guarantee shall be
2120 determined shall include the adjusted FTE dollars as provided in
2121 subsection (10)+(9) and potential nonvoted discretionary local
2122 effort from taxes. A comparison of current year funds per
2123 unweighted FTE to prior year funds per unweighted FTE shall be
2124 computed. For those school districts which have less than the
2125 legislatively assigned percentage increase, funds shall be
2126 provided to guarantee the assigned percentage increase in funds
2127 per unweighted FTE student. Should appropriated funds be less
2128 than the sum of this calculated amount for all districts, the
2129 commissioner shall prorate each district's allocation. This
2130 provision shall be implemented to the extent specifically funded.

2131 (10)+(9) TOTAL ALLOCATION OF STATE FUNDS TO EACH DISTRICT
2132 FOR CURRENT OPERATION.--The total annual state allocation to each

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2133 district for current operation for the FEFP shall be distributed
2134 periodically in the manner prescribed in the General
2135 Appropriations Act.

2136 (a) The basic amount for current operation for the FEFP as
2137 determined in subsection (1), multiplied by the district cost
2138 differential factor as determined in subsection (2), plus the
2139 amounts provided for categorical components within the FEFP, plus
2140 the amount for the sparsity supplement as determined in
2141 subsection (6), the decline in full-time equivalent students as
2142 determined in subsection (7), the research-based reading
2143 instruction allocation as determined in subsection (8), and the
2144 quality assurance guarantee as determined in subsection (9)~~(8)~~,
2145 less the required local effort as determined in subsection (4).
2146 If the funds appropriated for the purpose of funding the total
2147 amount for current operation as provided in this paragraph are
2148 not sufficient to pay the state requirement in full, the
2149 department shall prorate the available state funds to each
2150 district in the following manner:

2151 1. Determine the percentage of proration by dividing the
2152 sum of the total amount for current operation, as provided in
2153 this paragraph for all districts collectively, and the total
2154 district required local effort into the sum of the state funds
2155 available for current operation and the total district required
2156 local effort.

2157 2. Multiply the percentage so determined by the sum of the
2158 total amount for current operation as provided in this paragraph
2159 and the required local effort for each individual district.

2160 3. From the product of such multiplication, subtract the
2161 required local effort of each district; and the remainder shall

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2162 be the amount of state funds allocated to the district for
2163 current operation.

2164 (b) The amount thus obtained shall be the net annual
2165 allocation to each school district. However, if it is determined
2166 that any school district received an underallocation or
2167 overallocation for any prior year because of an arithmetical
2168 error, assessment roll change, full-time equivalent student
2169 membership error, or any allocation error revealed in an audit
2170 report, the allocation to that district shall be appropriately
2171 adjusted. Beginning with audits for the 2001-2002 fiscal year, if
2172 the adjustment is the result of an audit finding in which group 2
2173 FTE are reclassified to the basic program and the district
2174 weighted FTE are over the weighted enrollment ceiling for group 2
2175 programs, the adjustment shall not result in a gain of state
2176 funds to the district. If the Department of Education audit
2177 adjustment recommendation is based upon controverted findings of
2178 fact, the Commissioner of Education is authorized to establish
2179 the amount of the adjustment based on the best interests of the
2180 state.

2181 (c) The amount thus obtained shall represent the net annual
2182 state allocation to each district; however, notwithstanding any
2183 of the provisions herein, each district shall be guaranteed a
2184 minimum level of funding in the amount and manner prescribed in
2185 the General Appropriations Act.

2186 Section 33. Paragraph (a) of subsection (2) of section
2187 1011.64, Florida Statutes, is amended to read:

2188 1011.64 School district minimum classroom expenditure
2189 requirements.--

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2190 (2) For the purpose of implementing the provisions of this
2191 section, the Legislature shall prescribe minimum academic
2192 performance standards and minimum classroom expenditure
2193 requirements for districts not meeting such minimum academic
2194 performance standards in the General Appropriations Act.

2195 (a) Minimum academic performance standards may be based on,
2196 but are not limited to, district ~~performance~~ grades determined
2197 pursuant to s. 1008.34 (7) ~~(8)~~.

2198 Section 34. Paragraph (b) of subsection (2) of section
2199 1011.685, Florida Statutes, is amended to read:

2200 1011.685 Class size reduction; operating categorical
2201 fund.--

2202 (2) Class size reduction operating categorical funds shall
2203 be used by school districts for the following:

2204 (b) For any lawful operating expenditure, if the district
2205 has met the constitutional maximums identified in s. 1003.03(1)
2206 or the reduction of two students per year required by s.
2207 1003.03(2); however, priority shall be given to increase salaries
2208 of classroom teachers as defined in s. 1012.01(2)(a) and to
2209 implement the differentiated-pay provisions detailed in s.
2210 1012.2312 ~~salary career ladder defined in s. 1012.231.~~

2211 Section 35. Subsection (1) of section 1011.71, Florida
2212 Statutes, is amended to read:

2213 1011.71 District school tax.--

2214 (1) If the district school tax is not provided in the
2215 General Appropriations Act or the substantive bill implementing
2216 the General Appropriations Act, each district school board
2217 desiring to participate in the state allocation of funds for
2218 current operation as prescribed by s. 1011.62 (10) ~~(9)~~ shall levy

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on the taxable value for school purposes of the district, exclusive of millage voted under the provisions of s. 9(b) or s. 12, Art. VII of the State Constitution, a millage rate not to exceed the amount certified by the commissioner as the minimum millage rate necessary to provide the district required local effort for the current year, pursuant to s. 1011.62(4)(a)1. In addition to the required local effort millage levy, each district school board may levy a nonvoted current operating discretionary millage. The Legislature shall prescribe annually in the appropriations act the maximum amount of millage a district may levy. The millage rate prescribed shall exceed zero mills but shall not exceed the lesser of 1.6 mills or 25 percent of the millage which is required pursuant to s. 1011.62(4), exclusive of millage levied pursuant to subsection (2).

Section 36. Subsection (6) is added to section 1012.21, Florida Statutes, to read:

1012.21 Department of Education duties; K-12 personnel.--

(6) REPORTING.--The Department of Education shall annually post online the collective bargaining contracts of each school district and the salary and benefits of any educator association personnel or officers paid by the school district received pursuant to s. 1012.22. The department shall prescribe the computer format for district school boards to provide the information.

Section 37. Paragraph (c) of subsection (1) of section 1012.22, Florida Statutes, is amended, and subsection (3) is added to that section, to read:

1012.22 Public school personnel; powers and duties of the district school board.--The district school board shall:

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2248 (1) Designate positions to be filled, prescribe
2249 qualifications for those positions, and provide for the
2250 appointment, compensation, promotion, suspension, and dismissal
2251 of employees as follows, subject to the requirements of this
2252 chapter:

2253 (c) Compensation and salary schedules.--

2254 1. The district school board shall adopt a salary schedule
2255 or salary schedules designed to furnish incentives for
2256 improvement in training and for continued efficient service to be
2257 used as a basis for paying all school employees and fix and
2258 authorize the compensation of school employees on the basis
2259 thereof.

2260 2. A district school board, in determining the salary
2261 schedule for instructional personnel, must base a portion of each
2262 employee's compensation on performance demonstrated under s.
2263 1012.34, must consider the prior teaching experience of a person
2264 who has been designated state teacher of the year by any state in
2265 the United States, and must consider prior professional
2266 experience in the field of education gained in positions in
2267 addition to district level instructional and administrative
2268 positions.

2269 3. In developing the salary schedule, the district school
2270 board shall seek input from parents, teachers, and
2271 representatives of the business community.

2272 ~~4. Beginning with the 2002-2003 fiscal year, each district~~
2273 ~~school board must adopt a performance pay policy for school~~
2274 ~~administrators and instructional personnel. The district's~~
2275 ~~performance pay policy is subject to negotiation as provided in~~
2276 ~~chapter 447; however, the adopted salary schedule must allow~~

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~~school administrators and instructional personnel who demonstrate outstanding performance, as measured under s. 1012.34, to earn a 5-percent supplement in addition to their individual, negotiated salary. The supplements shall be funded from the performance pay reserve funds adopted in the salary schedule. Beginning with the 2004-2005 academic year, the district's 5-percent performance pay policy must provide for the evaluation of classroom teachers within each level of the salary career ladder provided in s. 1012.231. The Commissioner of Education shall determine whether the district school board's adopted salary schedule complies with the requirement for performance based pay. If the district school board fails to comply with this section, the commissioner shall withhold disbursements from the Educational Enhancement Trust Fund to the district until compliance is verified.~~

(3) Annually provide to the Department of Education the negotiated collective bargaining contract for the school district and the salary and benefits for any educator association personnel or officers paid by the school district. The district school board shall report in the computer format prescribed by the department pursuant to s. 1012.21.

Section 38. Section 1012.2312, Florida Statutes, is created to read:

1012.2312 Differentiated pay for instructional personnel.--

(1) Beginning with the 2006-2007 fiscal year, each district school board shall have a differentiated-pay policy for instructional personnel and incorporate it into the school district's salary schedule.

(2) The differentiated-pay policy may be subject to negotiation as provided in chapter 447; however, the adopted

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2306 salary schedule must allow instructional personnel to receive
2307 differentiated pay based upon school district determined factors,
2308 including, but not limited to, each of the following:
2309 (a) The subject areas taught, with classroom teachers who
2310 teach in critical shortage areas receiving higher pay.
2311 (b) The economic demographics of the school, with
2312 instructional personnel in schools that have a majority of
2313 students who qualify for free or reduced-price lunches receiving
2314 higher pay.
2315 (c) Additional responsibilities of instructional personnel,
2316 including, but not limited to, lead and mentoring
2317 responsibilities.
2318 (d) A performance-pay policy that rewards high-performing
2319 instructional personnel with at least a 5-percent performance-pay
2320 incentive.
2321
2322 The differentiated pay provided in the salary schedule for each
2323 of the factors specified in paragraphs (a)-(d) shall provide an
2324 incentive and not be nominal.
2325 (3) The Commissioner of Education shall determine whether
2326 the district school board's adopted salary schedule complies with
2327 the requirements in subsection (2). If the salary schedule does
2328 not comply, the commissioner shall recommend to the State Board
2329 of Education and the state board is authorized to withhold
2330 disbursements from the Educational Enhancement Trust Fund to the
2331 school district until the district's salary schedule is in
2332 compliance.
2333 Section 39. Section 1012.2313, Florida Statutes, is created
2334 to read:

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2335 1012.2313 Differentiated pay for school administrators.--

2336 (1) Beginning with the 2006-2007 fiscal year, each district
2337 school board shall have a differentiated-pay policy for school
2338 administrators and incorporate it into the school district's
2339 salary schedule.

2340 (2) The adopted salary schedule must allow school
2341 administrators to receive differentiated pay based upon school
2342 district determined factors, including, but not limited to, each
2343 of the following:

2344 (a) The economic demographics of the school, with school
2345 administrators in schools that have a majority of students who
2346 qualify for free or reduced-price lunches receiving higher pay.

2347 (b) A performance-pay policy that rewards high-performing
2348 school administrators with at least a 5-percent performance-pay
2349 incentive.

2350

2351 The differentiated pay provided in the salary schedule for each
2352 of the factors specified in paragraphs (a) and (b) shall provide
2353 an incentive and not be nominal.

2354 (3) The Commissioner of Education shall determine whether
2355 the district school board's adopted salary schedule complies with
2356 the requirements in subsection (2). If the salary schedule does
2357 not comply, the commissioner shall recommend to the State Board
2358 of Education and the state board is authorized to withhold
2359 disbursements from the Educational Enhancement Trust Fund to the
2360 school district until the district's salary schedule is in
2361 compliance.

2362 Section 40. Section 1012.2315, Florida Statutes, is created
2363 to read:

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2364 1012.2315 Assignment of teachers.--

2365 (1) LEGISLATIVE FINDINGS AND INTENT.--The Legislature finds

2366 disparity between teachers assigned to teach in a majority of "A"

2367 graded schools compared to teachers assigned to teach in a

2368 majority of "F" graded schools. The disparity can be found in the

2369 average years of experience, the median salary, and the

2370 performance of the teachers on teacher certification

2371 examinations. It is the intent of the Legislature that district

2372 school boards have flexibility through the collective bargaining

2373 process to assign teachers more equitably across the schools in

2374 the district.

2375 (2) ASSIGNMENT TO SCHOOLS GRADED "D" OR "F."--School

2376 districts may not assign a higher percentage than the school

2377 district average of first-time teachers, temporarily certified

2378 teachers, teachers in need of improvement, or out-of-field

2379 teachers to schools with above the school district average of

2380 minority and economically disadvantaged students or schools that

2381 are graded "D" or "F." Each school district shall annually

2382 certify to the Commissioner of Education that this requirement

2383 has been met. If the commissioner determines that a school

2384 district is not in compliance with this subsection, the State

2385 Board of Education shall be notified and shall take action

2386 pursuant to s. 1008.32 in the next regularly scheduled meeting to

2387 require compliance.

2388 (3) SALARY INCENTIVES.--District school boards are

2389 authorized to provide salary incentives to meet the requirement

2390 of subsection (2). No district school board shall sign a

2391 collective bargaining agreement that precludes the school

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2392 | district from providing sufficient incentives to meet this
2393 | requirement.

2394 | (4) COLLECTIVE BARGAINING.--Notwithstanding provisions of
2395 | chapter 447 relating to district school board collective
2396 | bargaining, collective bargaining provisions may not preclude a
2397 | school district from providing incentives to high-quality
2398 | teachers and assigning such teachers to low-performing schools.

2399 | Section 41. Subsection (2) of section 1012.27, Florida
2400 | Statutes, is amended to read:

2401 | 1012.27 Public school personnel; powers and duties of
2402 | district school superintendent.--The district school
2403 | superintendent is responsible for directing the work of the
2404 | personnel, subject to the requirements of this chapter, and in
2405 | addition the district school superintendent shall perform the
2406 | following:

2407 | (2) COMPENSATION AND SALARY SCHEDULES.--Prepare and
2408 | recommend to the district school board for adoption a salary
2409 | schedule or salary schedules. The district school superintendent
2410 | must recommend a salary schedule for instructional personnel
2411 | which bases a portion of each employee's compensation on
2412 | performance demonstrated under s. 1012.34. In developing the
2413 | recommended salary schedule, the district school superintendent
2414 | shall include input from parents, teachers, and representatives
2415 | of the business community. Beginning with the 2006-2007 ~~2004-2005~~
2416 | academic year, the recommended salary schedule for classroom
2417 | teachers shall be consistent with the district's differentiated-
2418 | pay policy ~~career ladder~~ based upon s. 1012.2312 ~~1012.231~~.

2419 | Section 42. Subsection (6) of section 1012.28, Florida
2420 | Statutes, is amended to read:

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2421 1012.28 Public school personnel; duties of school
2422 principals.--

2423 (6) A school principal who fails to comply with this
2424 section shall be ineligible for any portion of the performance
2425 pay policy incentive under s. 1012.2313(2)(b) ~~1012.22(1)(c)~~.

2426 Section 43. Paragraph (a) of subsection (3) of section
2427 1012.34, Florida Statutes, is amended to read:

2428 1012.34 Assessment procedures and criteria.--

2429 (3) The assessment procedure for instructional personnel
2430 and school administrators must be primarily based on the
2431 performance of students assigned to their classrooms or schools,
2432 as appropriate. Pursuant to this section, a school district's
2433 performance assessment is not limited to basing unsatisfactory
2434 performance of instructional personnel and school administrators
2435 upon student performance, but may include other criteria approved
2436 to assess instructional personnel and school administrators'
2437 performance, or any combination of student performance and other
2438 approved criteria. The procedures must comply with, but are not
2439 limited to, the following requirements:

2440 (a) An assessment must be conducted for each employee at
2441 least once a year. The assessment must be based upon sound
2442 educational principles and contemporary research in effective
2443 educational practices. The assessment must primarily use data and
2444 indicators of improvement in student performance assessed
2445 annually as specified in s. 1008.22 and may consider results of
2446 peer reviews in evaluating the employee's performance. Student
2447 performance must be measured by state assessments required under
2448 s. 1008.22 and by local assessments for subjects and grade levels
2449 not measured by the state assessment program. The assessment

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2450 criteria must include, but are not limited to, indicators that
2451 relate to the following:

- 2452 1. Performance of students.
- 2453 2. Ability to maintain appropriate discipline.
- 2454 3. Knowledge of subject matter. The district school board
2455 shall make special provisions for evaluating teachers who are
2456 assigned to teach out-of-field.
- 2457 4. Ability to plan and deliver instruction, ~~including~~
2458 ~~implementation of the rigorous reading requirement pursuant to s.~~
2459 ~~1003.415, when applicable,~~ and the use of technology in the
2460 classroom.
- 2461 5. Ability to evaluate instructional needs.
- 2462 6. Ability to establish and maintain a positive
2463 collaborative relationship with students' families to increase
2464 student achievement.
- 2465 7. Other professional competencies, responsibilities, and
2466 requirements as established by rules of the State Board of
2467 Education and policies of the district school board.

2468 Section 44. Section 1012.986, Florida Statutes, is created
2469 to read:

2470 1012.986 Jim Warford Professional Development Program for
2471 School Leaders.--

2472 (1) ESTABLISHMENT.--There is established the Jim Warford
2473 Professional Development Program for School Leaders, a high-
2474 quality, competency-based, customized, comprehensive, and
2475 coordinated statewide professional development program that is
2476 aligned with the leadership standards for school leaders adopted
2477 by the State Board of Education. The program shall be
2478 administered by the Department of Education and shall provide

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2479 leadership training opportunities for school leaders to enable
2480 them to be more effective instructional leaders, especially in
2481 the area of reading. The program shall provide school leaders
2482 with the opportunity to attain a school leadership designation
2483 pursuant to subsection (3).

2484 (2) DEFINITION.--As used in this section, the term "school
2485 leader" means a school principal or assistant principal holding a
2486 valid Florida certificate in educational leadership.

2487 (3) DESIGNATIONS.--The Department of Education shall
2488 develop criteria for designating high-performing school leaders
2489 using designation titles recommended by the statewide association
2490 of school administrators. The criteria must emphasize student
2491 learning gains, especially in high schools.

2492 (4) PROGRAM REQUIREMENTS.--

2493 (a) The program shall be based upon the leadership
2494 standards adopted by the State Board of Education, the standards
2495 of the National Staff Development Council, and the federal
2496 requirements for high-quality professional development under the
2497 No Child Left Behind Act of 2001.

2498 (b) The program shall provide a competency-based approach
2499 that utilizes prediagnostic and postdiagnostic evaluations that
2500 shall be used to create an individualized professional
2501 development plan approved by the district school superintendent.
2502 The plan shall be structured to support the school leader's
2503 attainment of the leadership standards adopted by the State Board
2504 of Education.

2505 (c) The program shall incorporate instructional leadership
2506 training and effective business practices for efficient school
2507 operations in school leadership training.

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2508 (5) DELIVERY SYSTEM.--The Department of Education shall
2509 deliver the program through multiple delivery systems, including:
2510 (a) Approved school district training programs.
2511 (b) Interactive technology-based instruction.
2512 (c) State, regional, or local leadership academies.
2513 (6) RULES.--The State Board of Education shall adopt rules
2514 pursuant to ss. 120.536(1) and 120.54 to implement the provisions
2515 of this section.
2516 Section 45. Section 1012.987, Florida Statutes, is
2517 repealed.
2518 Section 46. This act shall take effect upon becoming a law.

Revised

HB 163

HB 163: Relating to Child Safety

Current Bill State: In Committee
Last Action: Speaker approved

General Bill by
Cusack

Child Safety

Requires a person to present picture identification before retrieving a student from a public school, a nonpublic school, or any of certain child care facilities pursuant to policy the school or facility is required to adopt to ensure that children in that school or facility are released only to persons authorized to retrieve them; restricts such policies to students in prekindergarten through grade 8 and to times other than normal dismissal time.

Referred Committees and Committee Actions:

- PreK-12 Committee
On Agenda For: 11/08/2005 1:15 pm
Retained **(Final Action)**
- Future of Florida's Families Committee
- Education Appropriations Committee
- Education Council

Legislative Status:

Companion Bills:

SB 418 Schools/Release of Children Compare

Bill Text:

ORIGINAL FILED VERSION

Staff Analysis

House Analysis PreK-12 Committee 10/31/2005 2:03:23PM

Vote History:

Chamber	Vote Date	Yeas	Nays	Action Taken	Barcode
No Votes Recorded					

Bill History:

Event	Time Stamp	Member	Committee
Added to PreK-12 Committee agenda	10/28/2005 03:38PM	N/A	PreK-12 Committee
Now in PreK-12 Committee	10/03/2005 04:13PM	N/A	PreK-12 Committee
Referred to Education Council	10/03/2005 04:13PM	N/A	Education Council
Referred to Education Appropriations Committee	10/03/2005 04:13PM	N/A	Education Appropriations Committee
Referred to Future of Florida's Families Committee	10/03/2005 04:13PM	N/A	Future of Florida's Families Committee

Referred to PreK-12 Committee
Filed

10/03/2005 04:13PM
09/19/2005 04:42PM

N/A
Cusack

PreK-12 Committee
N/A

Statutes Referenced by this Bill

HB 163

2006

1 A bill to be entitled

2 An act relating to child safety; requiring a person to
3 present picture identification before retrieving a student
4 from a public school, under certain circumstances;
5 requiring policies to be provided to the Department of
6 Education; requiring a person to present picture
7 identification before retrieving a child from a nonpublic
8 school or specified child care facilities, under certain
9 circumstances; requiring policies to be maintained on the
10 premises of each entity and available for inspection;
11 defining the term "picture identification"; providing an
12 effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:

15
16 Section 1. No later than July 1, 2006, the school board of
17 each public school district shall adopt policies that will
18 ensure that students in prekindergarten through grade 8 in that
19 school district are not released from the schools to persons who
20 are not authorized to retrieve them. These policies shall
21 include a requirement that the person attempting to retrieve the
22 student, other than at the normal dismissal time, present
23 picture identification to the school principal or his or her
24 designee before the student is released to the person. As used
25 in this section, the term "picture identification" means a valid
26 state driver's license, a valid state identification card, or a
27 valid United States Military identification card. Copies of the
28 policies shall be provided to the Department of Education.

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

hb0163-00

HB 163

2006

29 Section 2. No later than July 1, 2006, each nonpublic
30 school exempt from licensure under s. 402.3025, Florida
31 Statutes, child care facility licensed under s. 402.305, Florida
32 Statutes, large family child care home licensed under s.
33 402.3131, Florida Statutes, private school as defined in s.
34 1002.01, Florida Statutes, and faith-based child care facility
35 exempt from licensure under s. 402.316, Florida Statutes, shall
36 adopt policies that will ensure that the children in
37 prekindergarten through grade 8 in that nonpublic school, child
38 care facility, large family child care home, private school, or
39 faith-based child care facility are not released to persons who
40 are not authorized to retrieve them. These policies shall
41 include a requirement that the person attempting to retrieve the
42 child, other than at the normal dismissal time, present picture
43 identification to the appropriate school or child care official
44 or his or her designee before the child is released to the
45 person. As used in this section, the term "picture
46 identification" means a valid state driver's license, a valid
47 state identification card, or a valid United States Military
48 identification card. Copies of these policies shall be
49 maintained on the premises of each entity covered by this
50 section and be readily available for inspection.

51 Section 3. This act shall take effect upon becoming a law.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 163

Child Safety

SPONSOR(S): Cusack

TIED BILLS:

IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>PreK-12 Committee</u>	<u></u>	<u>Beagle</u>	<u>Mizereck</u>
2) <u>Future of Florida's Families Committee</u>	<u></u>	<u></u>	<u></u>
3) <u>Education Appropriations Committee</u>	<u></u>	<u></u>	<u></u>
4) <u>Education Council</u>	<u></u>	<u></u>	<u></u>
5) <u></u>	<u></u>	<u></u>	<u></u>

SUMMARY ANALYSIS

House Bill 163 requires the following entities to each adopt a policy relating to the retrieval of children prior to the normal dismissal time:

- Public schools;
- Non-public schools exempt from licensure under s. 402.3025, F.S.;
- A child care facility licensed under s. 402.305, F.S.;
- A family day care facility licensed or registered under s. 402.3131, F.S.;
- A private school as defined in s. 1002.01, F.S.; and
- A faith-based child care provider exempt from licensure under s. 402.316, F.S.

These policies are intended to safeguard children from being released to persons who are not authorized to retrieve them. The policies must require persons attempting to retrieve a student from school, other than at the normal dismissal time, to present picture identification. Picture identification is defined as a valid state driver's license, a valid state identification card, or a valid United States military identification card.

The bill does not appear to have a fiscal impact on state or local governments.

The bill takes effect upon becoming law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide Limited Government-- The bill requires public schools, non-public schools, and certain child care facilities to adopt policies requiring individuals to present valid picture identification before retrieving children from school prior to the normal dismissal time.

Empower Families-- The bill lowers the risk of students being released to unauthorized persons, in public schools, non-public schools, and certain child care facilities.

B. EFFECT OF PROPOSED CHANGES:

Present Situation:

Presently, there is not a statewide policy requiring picture identification from individuals attempting to retrieve a child prior to the normal dismissal time. According to the Department of Education (DOE), public school districts and schools currently have flexibility in determining student retrieval policies.¹ Examples of existing public school policies include:

- Requiring picture identification only at the beginning of the school year until the person is recognized by school staff.
- Requiring that parents and guardians provide identification at the beginning of the year in exchange for an alternative form of identification such as a sticker, tag, or a flyer with the student's photograph and the photograph of the persons authorized to pick up the child.
- Requiring that parents and guardians provide picture identification to the school at the beginning of the year. In order to retrieve a student, the identification must match the list of authorized emergency contacts. Thus picture identification alone does not link a person to the child.²

Section 65C-22.006(4)(b), Florida Administrative Code, relating to licensed child care facilities, provides that "a child shall not be released to any person other than the person(s) authorized, or in the manner authorized in writing, by the custodial parent or legal guardian."³ This section does not require picture identification and neither statute nor rule addresses policies for releasing children from family day care homes or from child care providers exempt from licensing.

Effects of Proposed Changes:

House Bill 163 requires district school boards, non-public schools, and certain child care facilities to adopt policies regarding the release of children in pre-kindergarten through grade 8. The bill requires the following entities to each adopt a student retrieval policy:

- Public schools;
- Non-public schools exempt from licensure under s. 402.3025, F.S.;
- A child care facility licensed under s. 402.305, F.S.;
- A family day care facility licensed or registered under s. 402.3131, F.S.;
- A private school as defined in s. 1002.01, F.S.; and
- A faith-based child care provider exempt from licensure under s. 402.316, F.S.

Each policy shall include a requirement that individuals present one of three types of picture identification to a school or child care official before the child is released other than at normal dismissal

¹ Florida Department of Education, *2006 Legislative Bill Analysis for HB 163*, October 2005.

² Id.

³ Fla. Admin. Code Ann. r. 65C-22.006 (2005).

time. The bill defines picture identification as a valid state driver's license, a valid state identification card, or a valid United States military identification card. Each district school board must submit a copy of its policy to the Department of Education. Other affected entities must maintain a copy of their policy on the premises.

The policies must be adopted no later than July 1, 2006.

The bill takes effect upon becoming law.

C. SECTION DIRECTORY:

Section 1. Creates an unnumbered section of law requiring school districts to adopt policies so that students are not released from school outside the normal dismissal time to persons who are not authorized to retrieve them.

Section 2. Creates an unnumbered section of law requiring nonpublic schools and specified child care facilities to adopt policies so that students are not released from school outside the normal dismissal time to persons who are not authorized to retrieve them.

Section 3. Provides that this act shall take effect upon becoming law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

This bill does not appear to have a fiscal impact on state government revenues.

2. Expenditures:

This bill does not appear to have a fiscal impact on state government expenditures.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

This bill does not appear to have a fiscal impact on local government revenues.

2. Expenditures:

This bill does not appear to have a fiscal impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

This bill does not appear to have a fiscal impact on the private sector.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require a municipality or county to spend funds or to take any action requiring the expenditure of funds.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

School districts, non-public schools, and child care facilities may encounter difficulties with adoption of policies by July 1, 2006. Consideration should be given to amending the bill to allow more time for the affected entities to develop and adopt policies.

The bill states that student retrieval policies are to be adopted to “ensure” children are not released to unauthorized persons. Because no legislatively created policy can ensure a given outcome, consideration should be given to amending the bill to delete the use of this term.

Limiting the term “picture identification” to a valid state driver’s license, a valid state identification card, or a valid United States military identification card may be problematic as some parents or persons authorized to retrieve a child outside the normal dismissal time may not possess any of these types of identification. Citing concerns by districts that serve migrant parents and students, the DOE suggests that the term “picture identification” be broadened to “personal identification” and that acceptable documents would include biometric identification and a valid passport.⁴ Consideration should be given to amending the bill to 1.) use the term “personal identification” and 2.) allow local discretion to determine acceptable forms of identification, so that policies address unique circumstances occurring within the populations served.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

⁴ Florida Department of Education, *2006 Legislative Bill Analysis for HB 163*, October 2005.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No. 163

COUNCIL/COMMITTEE ACTION

ADOPTED	— (Y/N)
ADOPTED AS AMENDED	— (Y/N)
ADOPTED W/O OBJECTION	— (Y/N)
FAILED TO ADOPT	✓ (Y/N)
WITHDRAWN	— (Y/N)
OTHER	—

Failed

Council/Committee hearing bill: PreK-12

Representative Cusack offered the following:

Amendment (with title amendment):

Remove everything after the enacting clause and insert:

Section 1. No later than December 1, 2006, the school board of each public school district shall adopt a policy regarding the release of students in prekindergarten through grade 8. Each district's policy shall include a requirement that the person attempting to retrieve the student, other than at the normal dismissal time, presents personal identification to the school principal or his or her designee before the student is released to the person. As used in this section, the term "personal identification" shall include a valid state driver's license, a valid state identification card, a valid United States Military identification card, a valid passport, biometric identification or other personal identification as determined by the policy. Copies of each policy shall be provided to the Department of Education to be shared as best practices.

Section 2. No later than December 1, 2006, each nonpublic school exempt from licensure under s. 402.3025, Florida Statutes, child care facility licensed under s. 402.305, Florida

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

23 Statutes, large family child care home licensed under s.
24 402.3131, Florida Statutes, private school as defined in s.
25 1002.01, Florida Statutes, and faith-based child care facility
26 exempt from licensure under s. 402.316, Florida Statutes, shall
27 adopt a policy regarding the release of students in
28 prekindergarten through grade 8 in their care. Each policy shall
29 include a requirement that the person attempting to retrieve the
30 child, other than at the normal dismissal time, presents
31 personal identification to the appropriate school or child care
32 official or his or her designee before the child is released to
33 the person. As used in this section, the term "personal
34 identification" shall include a valid state driver's license, a
35 valid state identification card, a valid United States Military
36 identification card, a valid passport, biometric identification
37 or other personal identification as determined by the policy. A
38 copy of the policy shall be maintained on the premises of each
39 entity covered by this section and be readily available for
40 inspection.

41 Section 3. This act shall take effect upon becoming a law.
42
43

44 ===== T I T L E A M E N D M E N T =====

45 Remove the entire title and insert:

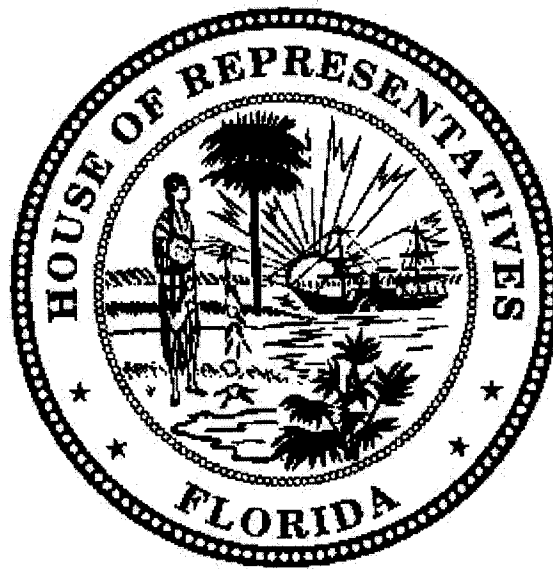
46 A bill to be entitled

47 An act relating to child safety; requiring a person to
48 present personal identification before retrieving a
49 student from a public school, under certain circumstances;
50 requiring policies to be provided to the Department of
51 Education; requiring a person to present personal
52 identification before retrieving a child from a nonpublic
53 school or specified child care facilities, under certain

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

54 | circumstances; requiring policies to be maintained on the
55 | premises of each entity and available for inspection;
56 | defining the term "personal identification"; providing an
57 | effective date.
58 |
59 |



PreK - 12 Education & Choice & Innovation Committees

ADDENDUM A

Meeting

Tuesday, December 6, 2005

3:30 — 5:15 p.m.

Allan G. Bense
Speaker

Ralph Arza
Committee Chairman

John Stargel
Committee Chairman

Revised

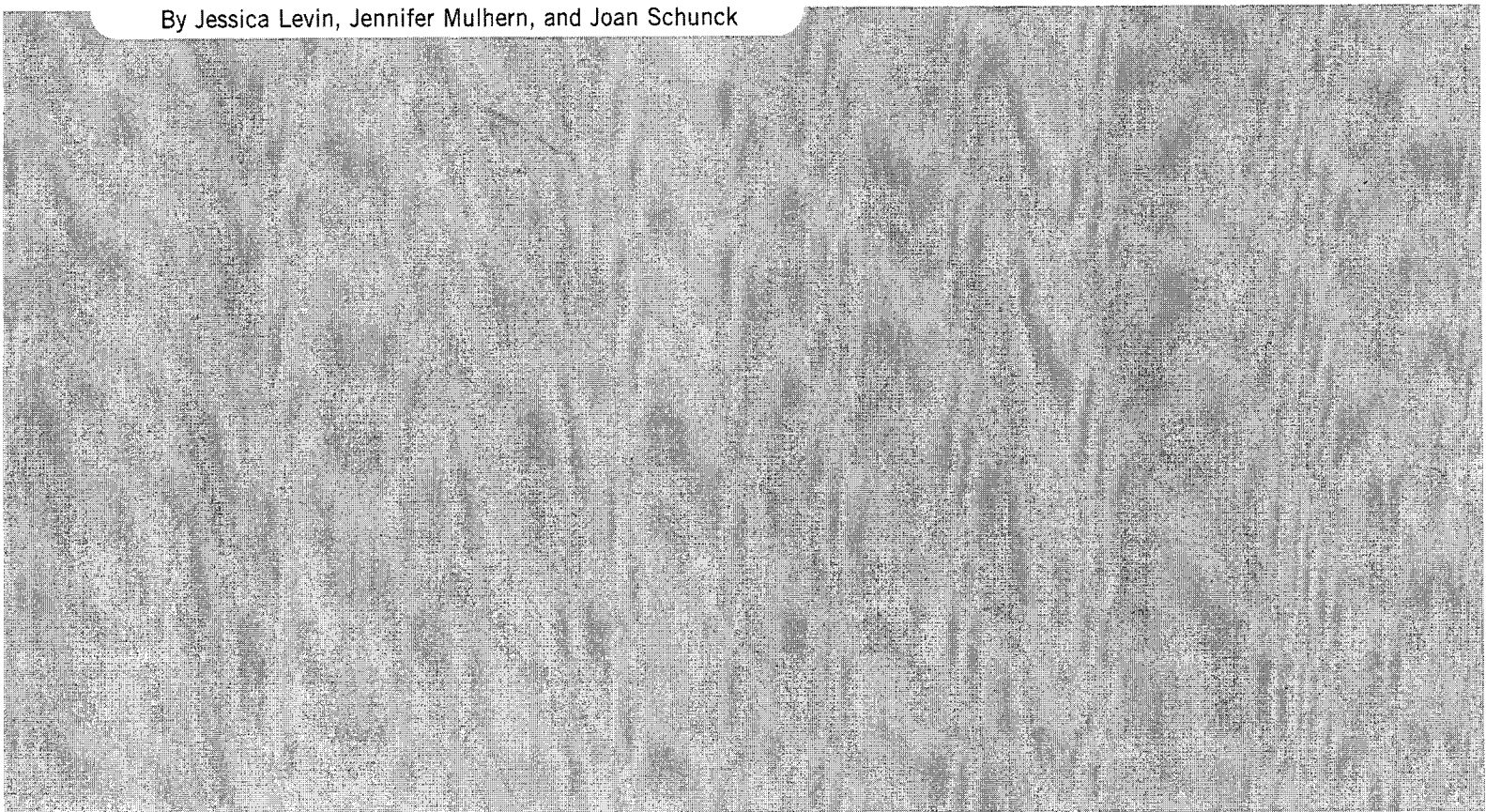
Revised

 The New Teacher Project

UNINTENDED CONSEQUENCES

The Case for
Reforming the
Staffing Rules in
Urban Teachers
Union Contracts

By Jessica Levin, Jennifer Mulhern, and Joan Schunck



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FOREWORD

In our 2003 report *Missed Opportunities: How We Keep High-Quality Teachers Out of Urban Classrooms*, The New Teacher Project documented how delayed hiring in urban school districts resulted in the loss of significant numbers of new teacher applicants, particularly the most qualified, to other districts that hired earlier. The report identified three policy barriers to early hiring: 1) vacancy notification policies; 2) staffing rules in teachers union contracts; and 3) late budget timetables.¹

Following the release of *Missed Opportunities*, The New Teacher Project collaborated with several districts to develop solutions to the problems identified in the report. At the same time, we focused our research and policy activities on understanding better each of the three policy barriers individually and identified the contractual staffing rules as our starting point.

As we sought to understand the effects of these rules, we were struck by the degree to which they profoundly influence not only new teacher hiring but also the overall ability of urban schools to staff their classrooms effectively. We began collecting data in five urban districts on these impacts, work that culminated in this report.

We hope that this report will initiate a discussion not on the merits of collective bargaining as a whole (which we support), but on the effects of the specific contractual requirements governing school staffing. When these rules were adopted in the 1960s by newly formed teachers union locals and school boards, they were an important and legitimate response to widely perceived arbitrary and poor management. Based on the now four decades of experience with these provisions, however, we believe it is time to find a new balance between protecting teachers from past abuses and equipping schools with the necessary tools to achieve excellent results for their students. Supporting, rather than undermining, the ability of urban schools to hire and staff effectively may well be the remedy needed to put the education of urban students on par with their suburban counterparts.

Michelle Rhee
Chief Executive Officer
The New Teacher Project
November 2005

EXECUTIVE SUMMARY

Nearly everyone involved in the enterprise of schooling understands the profound importance of building and sustaining a high-quality team of teachers. Moreover, the research is clear: the single most important school-based determinant of student achievement is the quality of the teacher in the classroom.² Yet, urban schools must often staff their classrooms with little or no attention to quality or fit because of the staffing rules in their teachers union contracts.

This report focuses on the contractual staffing rules governing “voluntary transfers” and “excessed teachers.”³ Voluntary transfers are incumbent teachers who want to move between schools in a district, while excessed teachers are those cut from a specific school, often in response to declines in budget or student enrollment.

Our findings demonstrate the extent to which the voluntary transfer and excess rules undermine the ability of urban schools to hire and keep the best possible teachers for the job.

To better understand the impact of the voluntary transfer and excess rules on urban schools, The New Teacher Project studied five representative urban districts (we identify them as the Eastern, Mid-Atlantic, Midwestern, Southern, and Western districts).⁴ Within each district, we extensively analyzed data for internal teacher movements and new teacher hires. We complemented our data analyses with principal surveys in the Eastern and Western districts, and interviews of school and central staff in all districts. Our findings demonstrate the extent to which these rules undermine the ability of urban schools to hire and keep the best possible teachers for the job.

In focusing our report on the adverse effects of the current transfer and excess rules, we are not minimizing the unfair practices that led to their adoption or the other staffing barriers urban schools face, in such areas as school leadership, human resources, and budgeting. We will argue, however, that without significant change to these staffing rules, another generation of urban students will bear the cost of well-intentioned, but ultimately inadequate, school improvement efforts.

TRANSFER AND EXCESS RULES UNDERMINE EFFECTIVE STAFFING IN URBAN SCHOOLS IN FOUR WAYS

1) Urban schools are forced to hire large numbers of teachers they do not want and who may not be a good fit for the job and their school

The most detrimental impact of the transfer and excess rules is the widespread forcing of incumbent teachers on schools regardless of students' needs. Voluntary transfer rules often give senior teachers the right to interview for and fill jobs in other schools even if those schools do not consider them a good fit. In addition, schools generally are required to hire excessed teachers without any selection process at all. As a result, across the five districts, in one hiring season:

- 40 percent of school-level vacancies, on average, were filled by voluntary transfers or excessed teachers over whom schools had either **no choice at all** or **limited choice**.

Moreover, principals report that they do not want to hire many of these teachers. For example, 47 percent of Western district principals said they have attempted to hide their vacancies from central staff to avoid hiring voluntary transfers and excessed teachers; and 64 percent of those who hired such teachers in 2004–05 said that they did not wish to have one or more of them in their school.

2) Poor performers are passed around from school to school instead of being terminated

While the quality of voluntary transfers and excessed teachers spans the continuum, it is clear these processes are often functioning as a mechanism for teacher removal. In fact, almost two in five principals in the Eastern district and one in four in the Western district admitted to encouraging a poorly performing teacher to transfer or to placing one on an excess list. While passing poor performers to other schools seems like a terrible management practice, teacher termination data suggest this may be the only rational course of action at the individual school level. Labor relations staff in each district reported that only one or two tenured teachers are formally terminated for poor performance every year.⁵ Principals are often blamed for failing to initiate dismissal proceedings, but even when they try to formally terminate a teacher, the data show they face a very limited likelihood of success.

3) New teacher applicants, including the best, are lost to late hiring

Only after the forced placements of voluntary transfers and excessed teachers occur are schools typically allowed, by contract, to place new hires, including seasoned veterans from other districts. By then, however, it is too late to compete with neighboring districts for the best new teacher talent. Significantly, with only one month to go before the start of school, the studied districts still had to hire and place between 67 and 93 percent of their new teachers.⁶ Our previous research showed that urban districts that hire teachers after May 1 lose large numbers of applicants, including the best, to districts that hire earlier.⁷

4) Novice teachers are treated as expendable regardless of their contribution to their school

Even once schools manage to hire new teachers, the transfer and excess rules place their jobs in constant jeopardy. Novice teachers are, by default, the first to be excessed and, in many districts, can be “bumped” from their positions if a more senior teacher needs or just wants their job. For example, in three of the districts, anywhere from 10 to 50 percent of novice teachers, often with a full year of experience at their school, were at risk of losing their jobs if other more senior teachers simply wanted to transfer into them. Almost one-quarter (23 percent) of Eastern district principals reported having at least one new hire or novice teacher bumped from their school the prior year. We recognize that the talent of most new and novice teachers is either unknown or not fully developed, but these rules treat all novice teachers as expendable, including those who are capable or show promise.

SCHOOLS, SYSTEMS, AND STUDENTS PAY THE PRICE

Taken together, these four effects significantly impede the efforts of urban schools to staff their classrooms effectively and sustain meaningful schoolwide improvements. Forced to take teachers who may either be poor performers or ill suited to the specific school context and culture, prevented from hiring many of the best new teacher applicants, and unable to adequately protect teachers they hope to keep, urban schools cannot exert sufficient control over the most important school-based factor that influences student learning.

The damage, however, extends beyond individual schools; the overall operation of entire urban districts suffers. The transfer and excess processes require excessive centralization of hiring decisions. These staffing rules also hold every school hostage to staffing

changes in other schools and ensure that one school's gain is often another's loss—providing, we believe, at least a partial explanation for the persistent difficulty in taking pockets of excellence to scale in urban school systems.

Ultimately, it is the students who lose the most as the transfer and excess rules place hundreds, and sometimes even thousands, of teachers in urban classrooms each year with little regard for the appropriateness of the match, the quality of the teacher, or the overall impact on schools. Perhaps most important, our data show that in the five studied districts, these rules negatively affect all schools regardless of poverty level, indicating the need for a systemic solution to this systemic problem.

RECOMMENDATIONS FOR CHANGE

The recommendations we present in the final chapter of this report are designed to provide a substantive road map for reforming the transfer and excess rules in urban contracts to address the above problems. They strive to maintain key protections for more senior teachers while also enabling the best match of teacher to school and classroom.

Toward this end, we recommend that voluntary transfers and excessed teachers receive an early preferential review for available positions and numerous opportunities to receive satisfactory placements. At the same time, our proposed transfer and excess reforms are designed to:

- Ensure that the placements of voluntary transfers and excessed teachers are based on the **mutual consent** of the teacher and receiving school
- Permit the **timely hiring** of new teachers
- Better **protect novice teachers** who are contributing to their current school

We recognize that the reforms we propose will not magically resolve all of the barriers urban schools face in filling their classroom vacancies effectively and with high-quality teachers. Nevertheless, without the ability to build and maintain as strong a team as possible, there is little hope of closing the achievement gap, the remedy for which rests so squarely on the ability of the teacher in front of students.

These rules place hundreds, and sometimes even thousands, of teachers in urban classrooms each year with little regard for the appropriateness of the match, the quality of the teacher, or the overall impact on schools.

Revised



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